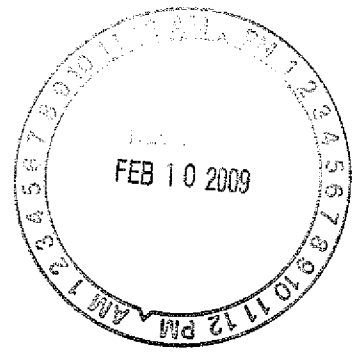
KAMEHAMEHA SCHOOLS



February 6, 2009

Mr. Ted Matley
U S. Department of Transportation
Federal Transit Administration – Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Wayne Y. Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Re: Comments on the Draft Environmental Impact Statement/Section 4(f) Evaluation ("***DEIS***") for the Honolulu High-Capacity Transit Corridor Project ("***Project***")

Dear Messrs. Matley and Yoshioka:

Thank you for the opportunity to comment on the DEIS for the Project.

As a brief background, Kamehameha Schools (***"KS"***) is a charitable educational trust, founded in 1887 through the Will and Estate of Princess Bernice Pauahi Bishop, whose mission is to provide educational opportunities to improve the capability and well-being of Native Hawaiians. KS currently offers a wide range of educational programs and services, including K-12 campus programs, preschools, financial aid, outreach programs, community education and collaborations with schools and community organizations. This past year, KS' programs and services reached more than 38,000 Native Hawaiian children and families.

In addition to providing educational programs and services, KS owns and maintains, as an important part of its ancestral and cultural legacy, over 365,000 acres of privately-held lands in Hawai'i. These lands are part of an endowment that provides the financial resources necessary to support these educational services and programs. As a Native Hawaiian educational organization, landowner and community member, KS has worked and continues to strive to work collaboratively with government, businesses, community organizations and others on solutions to the difficult challenges facing our families and communities, such as education, employment, housing, energy, food supply, sustainability, transportation and quality of life

KS supports a rail transit system on Oahu as a long-term transportation solution. A rail transit system can provide a tremendous benefit to our communities by alleviating traffic congestion, reducing the use of fossil fuels, curbing urban sprawl, spurring development of communities and revitalizing our economy. We commend the City and County of Honolulu and the Federal Transit Administration for their hard work in initiating and carrying forward this important transit project and are appreciative of the extensive effort of our City leaders and their staff to study and publicize the impacts of this project.

We received a copy of the DEIS for the Project and understand that our role or kuleana in this prescribed process is to review the DEIS and provide productive comments to help best assure the Project's successful completion We have taken this responsibility seriously We met with tenants and other business owners and operators on KS lands who occupy properties potentially affected by the Project to become familiar with their concerns and interests We also retained consultants to provide us with an independent review of specific aspects of the Project The review of the thousands of pages of highly technical materials of the DEIS has taken time, and we appreciate your efforts in providing an extension of time for responses It has made a meaningful difference in the quality of our review.

From this review, we have found many positive aspects to the DEIS and the proposed system. We have also identified, which is understandable in a document of this complexity, some items that we believe require additional study and work. In preparing our comments on those items, we have considered the potential impacts to our lands and our ability to continue to fulfill our educational mission with the returns generated from our lands; the potential impacts on the hundreds of small-and large business tenants and individuals on our lands; the potential impacts on communities where KS is diligently planning redevelopment and revitalization measures; and as appropriate, the broader potential impacts on our communities and families In addition, we have tried to make our comments specific, productive and solution-oriented so that you may more easily address concerns with the appropriate particulars and move ahead with a successful project.

Our comments to the DEIS are set forth in full in **Attachment A** to this letter.

We thank you again for the opportunity to participate in this process and look forward to continuing to work collaboratively with the City to help assure the timely success of this important project, which will benefit our families and communities for many generations

Mahalo

Very truly yours,

Kirk Belsby
Vice President, Endowment
Kamehameha Schools

Enclosures

ATTACHMENT A

Kamehameha Schools ("***KS***") appreciates the opportunity to comment on the Draft Environmental Impact Statement/Section 4(f) Evaluation ("***DEIS***") for the Honolulu High-Capacity Transit Corridor Project ("***Project***") prepared by the City and County of Honolulu (the "***City***") Department of Transportation Services ("***DTS***") and the Federal Transit Administration ("***FTA***"). In order to provide comments that are helpful toward the success of the Project, KS retained consultants to conduct in-depth assessments of specific aspects of the Project. UltraSystems Environmental ("***UltraSystems***") was retained to provide a technical review of the Project and CBRE Consulting, Inc. ("***CBRE***") was retained to analyze the economic impact of the proposed Project. This process has enabled KS to offer the following comments on the Project and the DEIS.

I. IMPACTS OF CONSTRUCTION ON BUSINESSES

KS estimates that construction of the Project could affect over one hundred of its properties and approximately one thousand of its tenants and sub-tenants, and their businesses.[1] Research by CBRE indicates that businesses along the construction routes of major rail systems experience significant losses. While some disruption during construction is unavoidable, losses can be minimized if positive mitigation measures are taken.

A. Physical Impacts

Comment #1: Construction activities could have substantial economic impacts on businesses and more specific discussion of the construction impacts and proposed mitigation measures is requested.

1. **Information**. Although section 4.17 of the DEIS contains a discussion of construction phasing effects, a more detailed discussion of anticipated construction impacts and the scheduling of construction activity would help businesses understand the full extent of construction-related impacts. Information such as the following is requested: (a) the number of businesses directly affected by construction activity (*i.e.*, businesses located adjacent to a construction site and on property to be acquired by the City) and indirectly affected (*i.e.*, within one mile of a construction site), (b) for various segments of the line, a more detailed estimate of the length of the construction period from commencement to conclusion of construction, including any time needed to relocate utilities prior to the commencement of construction on the actual rail system, and (c) the proposed location of construction barriers, the amount of time that barriers will be in place, specific land and street closings, and rerouted traffic patterns during construction.

2. **Concerns about Construction Activity.** KS shares in the concern noted in the DEIS that construction will disrupt traffic and limit access to and from businesses in various ways. See DEIS section 3.5.3 at 3-46 and section 4.17.1 at 4-153 to -154. In some cases, direct access to businesses will be lost or curtailed. Construction will also result in loss of available parking.[2] The erection of fences around construction sites will diminish the visibility of certain businesses, thus reducing customer traffic. Even if a business maintains visibility during construction, there is a general tendency for people to avoid aesthetically unappealing construction sites, or avoid construction areas where traffic flow will be seriously compromised. KS is also concerned that construction will disrupt utility service during the length of the construction period, which KS understands could last from one to five years. More detail of these impacts by neighborhood is requested.

3. **Mitigation Measures.** The DEIS proposes a mitigation plan that touches upon some of the physical impacts of construction. The DEIS states that a Maintenance of Traffic ("***MOT***") Plan and

Transit Mitigation Plan ("***TMP***") will be developed to identify measures to mitigate temporary construction-related effects on transportation. See DEIS section 3.5.7 at 3-48. The DEIS discusses the goals that the MOT Plan and TMP should achieve. Building upon that discussion, the objectives of the MOT Plan and TMP could be advanced by inclusion of the following:

(a) Agreements by project construction contractors that they will (i) ensure by necessary means (including phasing of the work) that access to businesses in the project area be maintained during project construction activities, (ii) coordinate the timing of temporary facility closures to minimize impacts to business activities in the project area – especially those with seasonal or high sales periods, (iii) minimize, as practical, the duration of modified or lost access to businesses in the project area, (iv) provide advance notice when utilities are to be disrupted especially if disruptions will be during regular business hours, and schedule major utility shut-offs during non-business hours; (v) keep roadways as clean as possible by using street sweepers and wheel washers to minimize off-site tracking; (vi) during dry periods, apply water to exposed soils to minimize airborne sediment; (vii) properly maintain construction equipment to minimize unnecessary exhaust; (viii) locate stockpile areas in less visibly-sensitive areas and, wherever possible, place them in areas that are not visible from the road, or by residents and businesses; (ix) remove visibly obtrusive erosion-control devices (*e.g.*, silt fences, plastic ground cover, and straw bales) as soon as an area has been stabilized; (x) replace street trees and other vegetation that must be removed with appropriately sized vegetation; (xi) to the extent feasible, have the concrete decking along the cut-and-cover segments installed flush with the existing street or sidewalk levels; (xii) wherever feasible, maintain sidewalks at their current width during construction and where a sidewalk must be temporarily narrowed during construction (*e.g.*, deck installation), restore to its current width during the balance of the construction period; (xiii) construct site fencing of good quality, capable of supporting the accidental application of the weight of an adult without collapse or major deformation; (xiv) where major boulevards must be fenced, offer the business owners the opportunity to request covered walkways in lieu of chain-link fencing; (xv) where covered walkways or solid surface fences are installed, implement a program to allow for art work (*e.g.*, by local students) on the surface; and (xvi) where used, maintain in clean repair chain link fences.

(b) Provisions for public information campaigns to inform the community that businesses are open during project construction activities to encourage their continued patronage, including advertising of businesses.

(c) Provision for a public involvement plan prior to the beginning of project construction to inform business owners of the project construction schedule and activities and to understand their needs, and to appropriately address them, including (i) interviews of individual businesses potentially affected by construction activities to understand how these businesses carry out their work, and (ii) identifying business usage, delivery, and shipping patterns and critical times of the day and year for business activities, as well as alternate access routes to maintain critical business activities.

(d) Provisions for a program to (i) convey construction information to the community, (ii) provide public information (*e.g.*, press releases or newsletters) regarding construction activities and ongoing business activities, (iii) enable the community to "speak" to the appropriate persons at the FTA and the Rapid Transit Division of DTS ("***RTD***") during construction with a specific process for responding to community concerns in a timely manner, and (iv) install appropriate signage and lighting, and display other information to indicate that businesses in the construction area are open, and to direct both pedestrian and vehicular traffic to businesses via alternate routes.

(e) Provisions for a Business Disruption Mitigation Plan ("***BDMP***") whereby the FTA and RTD will work with community residents, elected officials, local businesses, and community

organizations to tailor the mitigation program to meet community needs prior to the commencement of construction activities. KS requests that the BDMP (i) include remedies for business owners if the measures in the BDMP are not observed, (ii) be readily available for public review, (iii) have a process to inform the public of its progress in implementing the measures identified through a quarterly program of auditing, monitoring, and reporting, (iv) identify a staff person to work directly with the public to resolve construction-related problems, (v) provide for a field office during construction of the Project to address the matters described above, (vi) provide for an information and voice mail telephone line for community members and businesses to express their views regarding construction, with calls received reviewed by FTA and RTD staff and, as appropriate, forwarded to the necessary party for action (*e.g.*, utility company, fire department, resident engineer in charge of construction operations), and (v) provide for traffic management plans as described above.

B. Economic Impacts

Comment #2: KS requests that the discussion of economic impacts in the DEIS be expanded through an independent study and recommends certain mitigation measures.

1. Impact on Businesses. KS requests expansion of the economics impact analysis in the DEIS.[3] Presently, the DEIS provides discussion on (a) the effect of the Project on regional economics in the study corridor, including employment trends, growth, and real property tax; (b) the effect of construction on land use and economic activity; and (c) indirect effects of the Project on economic development, particularly focused on opportunities for transit-supportive development ("***TSD***") and transit-oriented development ("***TOD***"). KS suggests supplementing the discussion with an analysis of the economic impacts of the Project (both during and after construction) from the perspective of businesses and property owners along the rail line. For example, the impact of business closures or revenue losses should be added to the economic impacts analysis. As discussed further below, research conducted by KS' consultants regarding other transit projects indicates that construction of the Project could lead to the demise of a significant number of businesses.

Case studies of other major rail systems indicate that businesses situated along and surrounding the construction route can experience significant losses such as declines in customer numbers, sales, and in some cases, the closure of businesses. One of the most dramatic cases of this type of negative impact was in Salt Lake City, where an estimated 30 percent of local businesses closed during the construction of the TRAX system, and there were no mitigation strategies planned beforehand to reduce the impact on the businesses.

A similar situation occurred during the construction of SkyTrain's Canada Line in Vancouver. No public subsidies were provided to retailers and some businesses claimed that revenues dropped by 70 percent. On average, 40 to 60 percent losses in revenue have been reported. As of 2007, less than a year into construction, it was reported that between 40 and 60 businesses along the line had closed, with more likely to follow, as completion of the project is not expected until 2009.

If the Project will have similar economic impacts as the case studies discussed above, the economic loss to KS, its tenants, and their businesses will be significant. Negative impacts of construction could be further exacerbated due to the current economic climate that is already challenging the viability of many businesses.

2. Independent Study. In light of the physical and economic impacts referenced above, KS requests that the City retain an independent urban economist to conduct a study of the economic impacts of the Project both during and after construction. The geographic scope of the study should extend beyond the areas immediately adjacent to construction because the impacts can have a blighting

effect on the surrounding community as well The independent analysis should be based on case studies and empirical data taken from other communities with particular emphasis given to elevated transit systems similar to that proposed for Honolulu It would also be helpful to study alternative systems (*e.g.*, at-grade) and routes to determine if these alternatives mitigate the expected pre- and post-construction impacts [4] KS requests that the public, which has not had the opportunity to review the items, be given the opportunity to review and comment on the study before it is incorporated into the Final EIS

3. **Public Assistance Programs and Other Mitigation Measures.** Case studies indicate that public assistance is essential to keeping businesses viable during construction During the construction of Interstate MAX-Yellow, an extension to Portland's light rail network, the transit agency Tri-Met and Cascadia Revolving Fund came together to provide assistance to affected businesses The businesses who received assistance had to demonstrate that the construction had negatively impacted their business revenues. The success of this program is illustrated by the fact that during construction, ***only one business of the 106 businesses located along the length of the light rail route closed as a direct result of construction, and only two businesses moved to another location***. For the development of another extension of the light rail line, Tri-Met started the Business Support program for ground-floor retail businesses along the light rail construction route that may be disrupted due to their reliance on established pedestrian and transit traffic.

Salt Lake City is an example of a city that has learned from its experience of not investing in a public assistance program. When Salt Lake City built its first light rail line in 1999, nearly 30% of the businesses along the rail line closed. No mitigation strategies were planned beforehand to reduce the impact on the businesses. When the University Line extension was built in 2001, however, Salt Lake City sponsored a low interest loan program available to impacted businesses, which materially reduced business closures and economic impacts.

The case studies above highlight that well-conceived mitigation and public assistance can be effective in keeping businesses intact. Programs that we respectfully request for consideration include:

- Outright assistance
- Relocation assistance
- Rent subsidies
- Property owner compensation for lost rents
- Publicly funded business advertising and promotions
- Temporary real property tax relief

II. Potential Parking Impacts of Completed System

Availability of parking is important to the success or failure of the Project. Transit users who drive to stations will require parking or else be deterred from using the rail system Thus, KS recommends that the City study and estimate the amount of parking that will be available to rail users and motorists in areas near transit stations after the Project is built.

A. Potential Parking Impacts

Comment #3: Inadequate parking for the Project will have economic consequences on surrounding businesses and properties.

U.S. transit systems often encounter problems with providing enough off-street parking and park-and-ride lots. This results in various adverse impacts to owners with businesses and properties located near transit stations.

First, transit riders may be forced to find on-street parking, thus increasing traffic congestion in the area surrounding a transit station and/or park-and-ride lots, disrupting traffic flow, and reducing the number of street parking spaces available for non-transit users. Scarcity of parking can also be a deterrent to use of the rail system.

Second, transit users might park illegally in private retail and business parking areas, thus limiting further actual customer parking and/or increasing the cost of parking enforcement for business and property owners. An overall reduction in the amount of available parking spaces either on the street or in dedicated customer parking will discourage customers from patronizing businesses in the area.

Third, the uncertainty of the supply of parking negatively affects property owner redevelopment plans due to (i) concerns that additional lands may be condemned to provide for parking if ridership forecasts are achieved (or if ridership forecasts are not achieved and the agency determines a lack of parking availability to be the cause), or (ii) concerns that private property owners will be forced to mitigate the parking shortfall without public assistance. As acknowledged in the *Land Use Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008b) dated August 15, 2008 (***"Land Use Technical Report"***), KS owns many properties near the proposed Pearlridge, Kapalama, Kaka'ako, and Mo'ili'ili stations and intends to engage in redevelopment of those properties when the current leases expire. See *Land Use Technical Report* at 5-2 to 5-11. Therefore, these are important concerns to KS.

KS offers the following comments to assist the City in the refinement of its parking plans:

1. **Quantify parking needs at each transit station in the Final EIS**: Planning for parking needs begins with quantifying the number of parking stalls required for each rail station.

2. **Kapalama Station**: It appears that the City does not plan to build additional parking spaces for users of the Kapalama Station. See DEIS at 2-31. It is unclear where users who drive to this station can park. KS requests that the Final EIS discuss the impact on commercial tenants adjacent to this station if no off-street parking is provided to station users and the empirical basis for the determination that no station parking facilities are required.

3. **Dillingham Boulevard from Kohou Street to the rear parking lot of Costco**: On the mauka side of the roadway, the DEIS provides that all through and left-turn lanes would be preserved by acquiring 10 feet of additional right-of-way on the makai side of the roadway. What traffic impact will the acquisition of an additional right-of-way have on parking for existing land uses where ROW is acquired and what mitigation is proposed? See *Transportation Technical Report Honolulu High-Capacity Transit Corridor Project* (2008a) dated August 15, 2008 (***"Transportation Technical Report"***), Table 5-32, at 5-85.

4. **Halekauwila Street from Nimitz Highway to Ward Avenue**: Most of the existing on-street parking would be removed. What impact would this have on existing off-street parking spaces for the commercial uses located along Halekauwila Street and what mitigation is proposed? See *Transportation Technical Report*, Table 5-33, at 5-86.

5. **Dillingham Boulevard from McNeill Street to Kohou Street**: Twenty-six off-street parking spaces would be lost on Dillingham Boulevard between McNeill Street to Waiakamilo Road due to fixed guideway column placement in the median. Ten off-street parking spaces would be lost on Dillingham Boulevard between Waiakamilo Road to Kohou Street due to fixed guideway column placement on the side. See *Transportation Technical Report*, Table 5-54, at 5-114. The loss of off-street parking could impact customer and employee parking at Waiakamilo Shopping Center and buildings on both sides of Dillingham. KS requests that the Final EIS discuss the impact of the loss of these off-street

parking spaces on the commercial uses located on KS lands along Dillingham Boulevard and any proposed mitigation.

6 **Halekauwila Street from Keawe Street to Coral Street**: Sixteen on-street mauka and 22 on-street makai parking spaces would be lost on Halekauwila Street between Keawe Street to Coral Street due to fixed guideway column placement on the side. See *Transportation Technical Report*, Table 5-54, at 5-114. KS requests that the Final EIS discuss the impact of the loss of these on-street parking spaces on businesses located on KS owned properties and any mitigation proposed.

B. Mitigation Measures For Parking

Comment #4: The City is requested to develop more specific mitigation measures for parking.

KS notes that mitigation measures were included in the DEIS to address this issue, including the establishment of a neighborhood parking plan, but KS suggests the following additional measures:

1. **Early planning** The DEIS appears to contemplate developing mitigation strategies for parking after significant commitments of resources have been made for the design and construction of each transit station. This is indicated by the fact that section 3.4.5 of the DEIS states that mitigation strategies for parking would be determined by surveying stakeholders within six months before implementation of fixed guideway service. See DEIS at 3-44. KS requests that specific parking strategies be devised and studied as part of this environmental review process.

2. **Parking study**. To ensure that parking impacts are fully addressed in the Final EIS, KS recommends a detailed parking study be performed for each transit stop that is predicated on the level of transit use occurring at each station and validating through more rigorous analysis how these users will access the site (*e.g.*, pedestrian access, transit access or vehicular access). Once the study is concluded, specific mitigation measures should be developed based on the results of the study and incorporated into the Final EIS.

3. **District parking solution**. District parking garages could be developed near rail stops and paid for through transit system funding. Such systems should be located with a view toward improving transit use and facilitating redevelopment within TOD corridors.

4. **Public assistance for building parking structures**. A program of subsidies, grants, or other assistance for the construction of parking structures could be provided. For example, Portland recently approved a $6.6 million subsidy for a parking garage for a TOD.

5. **Signage and parking permit program**. Adequate signage could be installed during and after construction for transit-parking areas and alternate business parking areas. A parking permit program could be created for on-street parking to limit impacts on local businesses by transit users monopolizing on-street parking.

III. Impacts of Completed System on Businesses Along Rail Line and at Transit Stations

KS owns properties containing approximately 229 acres in communities that would be directly affected by the rail system along Farrington Highway, Kamehameha Highway, Dillingham Boulevard, and Halekauwila Street in Kaka'ako. KS is concerned that the Project will affect visibility of and access to the businesses on KS' properties; limit the redevelopment options available to KS and other landowners; and narrow streets, among other impacts.

A. Physical Impacts

1. Traffic, Visibility, and Access to Businesses

Comment #5: A more detailed assessment of the reduction in visibility and access to businesses and potential mitigation measures is requested.

a. Visibility. Presently, a significant percentage of KS' land holdings along the Project route are used for retail. Retail properties require good visibility to be successful. As the DEIS acknowledges on page 4-59, "*[b]usiness owners* have a vested interest in the visual environment surrounding their operations." KS is concerned that the elevated guideway will substantially reduce the visibility of businesses from the street level. As such, the discussion of visual impacts in the DEIS[5] should be expanded beyond impacts on views of "landmarks, significant views and vistas, historical and cultural sites, and Exceptional Trees." DEIS at 4-59. Impacts to visibility of businesses located along the rail line also should be considered.

b. Access. Businesses also depend on convenient access to and from their properties. The erection of the elevated guideway and its supporting columns, however, will eliminate left turn lanes, thus cutting off direct access to many businesses, requiring potential customers to take a circuitous route. Traffic patterns and the level of service in affected areas might change as a result. Added congestion would further discourage customers from visiting businesses along the guideway. As a related matter, to the extent the Project permanently eliminates existing street parking due to placement of the transit guideway, all of the parking-related impacts noted in **Comment #3** above become issues. Again, the number of parking spaces needed for each transit station needs to be determined carefully to prevent loss of business due to customer parking being occupied by transit users.

c. Narrower Lanes. The DEIS notes that in certain places, the widening of existing street medians to accommodate the columns would require reducing lane widths. See DEIS, Table 3-21, at 3-39; *Transportation Technical Report*, Table 5-29, at 5-80. Narrowing of lanes could increase the risk of traffic accidents. KS suggests that the Final EIS study such risk. KS specifically requests more information on the impact of reduction in lane widths to traffic on the following roadways that are aligned next to its properties, including (a) Farrington Highway and Waipahu Depot Road; (b) Kamehameha Highway and Kuleana Road; (c) Kamehameha Highway and Ka'ahumanu Road; (d) Kamehameha Highway and Kaonohi Street; (e) Kamehameha Highway and Lipoa Place; and (f) Kamehameha Highway and Pali Momi Street. A discussion of the impacts of lane narrowing on industrial uses (travel of large vehicles such as semi-trucks) in the Final EIS is particularly needed given the industrial uses in many of the impacted communities.

d. Mitigation KS requests adoption of a mitigation plan that will (a) ensure there is adequate parking near transit stations; (b) maintain access to and from businesses; (c) maintain traffic circulation; (d) prevent traffic accidents; and (e) minimize loss of visibility due to the elevated system. To achieve these objectives, a detailed mitigation plan incorporating specific initiatives should be developed and incorporated as part of the Final EIS. Examples of the types of elements that might be incorporated into the mitigation plan include: (i) traffic signals with protected left turns at busy intersections; (ii) elongated left turning lanes off of the main roadways to accommodate the increase in motorists utilizing left turn lanes at busy intersections, and to alleviate backup along the main roadways; (iii) district parking near rail stops paid for through transit system funding; and (iv) update and supplement the traffic study contained in the *Transportation Technical Report* to address the comments stated above.

2. Noise and Vibrations

Comment #6: Disclosure of noise and vibrations and their impact according to time of day.

It is our understanding that the noise analysis contained in the DEIS is based upon average hourly noise impacts rather than noise impacts at different times of the day. However, noise impacts can vary in significance depending on the time of day. For example, the impacts relative to background conditions may be more significant between 4:00 a.m. and 6:00 a.m. than during mid-day periods. Because these time-of-day differences may impact current and future uses differently, more complete disclosure of noise impacts by time of day is needed.

Assuming the DEIS used the noise impact criteria in the FTA's *Transit Noise and Vibration Impact Assessment* manual as the standard against which to evaluate noise exposures due to the Project, the impacts of noise on commercial should be studied further.

The noise sampling methodology utilized in the DEIS appears to be specific to ground level impacts. Because sound rises, there will be greater impacts on buildings (either existing or to be constructed in the future) that are constructed at heights above the proposed rail line. KS could not find discussion of these conditions in the DEIS and how the noise impacts of an elevated system might affect the viability of future TOD proximate to the rail line, particularly for uses that are noise sensitive such as residential.

3. Security, Transients, and Crime

Comment #7: Additional disclosures on security, transients, and crime are requested with more specific mitigation measures.

The Final EIS should disclose that in urban areas with hot and wet climates, such as Miami and Honolulu, elevated lines can provide shelter for the homeless, increasing crime and litter and thereby detract from commercial activity and result in lower property values. Transit stations also tend to attract graffiti.

The availability of parking and safety are interrelated issues. If parking is not available near transit stations, riders will need to find off-street parking within the district or travel to stations by walking. Without addressing the issue of security patrolling and providing ample parking in safe areas, riders will not want to park multiple blocks away and walk, especially at night, in order to get to and from the rail station and their vehicles.

The DEIS does not detail mitigation options to reduce concerns raised about area crime, property vandalism and an increase in transient persons using the elevated system as temporary shelter. KS requests the Final EIS provide specific mitigation actions to be undertaken. The mitigation measures could include: (a) use of landscaping and/or security fencing to minimize the ability of transients to assemble underneath the elevated rail lines; (b) adequate security on staff (dedicated security and/or Honolulu police) to patrol the stations and surrounding areas; (c) installation of surveillance cameras and equipment, emergency call boxes, and closed-circuit television monitoring; (e) locating police neighborhood substations at transit stations; (f) conducting regular maintenance and cleaning of areas under the rail line, transit stations, and surrounding areas; and (g) designing and installing structures underneath elevated rail lines that would discourage or prevent loitering by transients.

4. Visual and Aesthetic Impacts

Comment #8: The elevated system will cause visual blight and additional details on visual and aesthetic impacts for evaluation by viewer groups would allow a more complete analysis.

a. Visual Blight. An elevated system with platforms will cause visual blight The elevated guideway will also cast shadows on adjacent buildings, reducing visibility. Glare and excessive lights from the rail line could adversely impact certain businesses during the day. Visual blight will also occur from deterioration of the system over time. These visual and aesthetic impacts may reduce tenant or customer interest in the area, increase turnover, and decrease property values Thus, KS requests that the Final EIS include discussion of the estimated economic loss that visual impacts will cause, specific measures for mitigating such impacts, and the mechanisms for soliciting public input on mitigation measures.

b. Expanding Study.

i. The *Visual and Aesthetics Resources Technical Report Honolulu High-Capacity Transit Corridor Project* (2008e) dated August 15, 2008 (the "***Visual and Aesthetics Resources Technical Report***") utilized the methodology of the Visual Impact Assessment for Highway Projects[6] of the Federal Highway Administration ("***FHWA***") for the Project since it is a linear transportation facility comparable to a highway, has a similar range of issues, and because the FTA has not issued comparable guidance. The *Visual and Aesthetics Resources Technical Report* discusses how viewer groups have been categorized (*i.e.*, residents, commuter, etc.) and indicates that viewer response to change is impacted by viewer exposure and viewer sensitivity. See *Visual and Aesthetics Resources Technical* Report at 3-2. However, the analysis provided in section 5.0 (Consequences) of the technical report contains few to no details regarding user group exposure to project alternatives for different user groups, including such factors as location, duration, and distance. KS suggests that the Final EIS provide additional clarification regarding viewer exposure and viewer sensitivity for the selected view points. We recommend that the viewer exposure response include focus groups and outreach that encompasses a broad range of stakeholders. Property owners are not included among the five user groups asked to comment on visual impacts, but should be.

ii. The expanded study should also provide 360-degree visuals for multiple cross-sections of the rail line with particular emphasis given to transit stops. To provide representative visual imagery of the Project, such 360-degree studies should include areas within the urban core and areas within the suburban landscape. We would also recommend showing these images at multiple levels for each representative cross-section, including at street grade and at elevations of 2 to 3 stories.

c. Utility Relocation. The DEIS notes that the Project would involve relocation and modification of existing utilities. See DEIS at 4-38. KS is concerned about the impacts that relocating above ground power and telephone lines will have on existing commercial properties that are located on KS owned land in the Dillingham Plaza area and the area to the north and south of this property. Since ten feet of land in front of these commercial uses will be acquired to allow for widening of the median in this street, it is assumed that existing above-ground poles and power/telephone lines along this street will be moved back ten feet, bringing them even closer to these commercial uses, which include the Boulevard Saimin restaurant,[7] Sizzler restaurant, Burger King fast food restaurant, Popeye's Chicken fast food restaurant, and other uses along this street. Bringing utility lines even closer to existing commercial uses will detract from the appearance of these uses and limit access to the properties and the ability to maintain the properties in good repair.

d. Other Mitigation Measures. The *Visual and Aesthetics Resources Technical Report* does identify a number of principles for minimizing, reducing, or mitigating impacts, including those related to construction. See *Visual and Aesthetics Resources Technical Report* at 6-1 to 6-2. KS generally agrees with the stated objectives, but recommends development of specific mitigation actions that will ensure substantive results. The following are the types of specific and measurable mitigation actions that could be included, although a more detailed list should be developed as these measures below would address only a limited number of the expected impacts that will arise: (a) consultation with the communities surrounding each station for input on station design elements; (b) cooperative agreements with adjacent property owners that would improve the Project's visual quality; (c) where practicable, retention of existing street trees along sidewalks and in medians, or plant new vegetation to help soften the visual appearance of project elements (*e.g.*, stations, guideway columns, and TPSSs); and (d) use of source shielding in exterior lighting at stations and ancillary facilities such as the maintenance and storage facility and park-and-ride lots, to ensure that light sources (such as bulbs) would not be directly visible from residences, streets, and highways, and to limit spillover light and glare in residential areas.

B. Economic Impacts

1. Business Impacts

Comment #9: KS requests that the discussion in the DEIS of the economic impacts of the completed system on businesses be expanded through an independent study.

As noted in Section I above, KS requests that the Final EIS incorporate an expanded study of the economic impacts of the Project on businesses conducted by an independent urban economist. In addition to analyzing the impact of construction on businesses, the study should include an assessment of the business impacts of the completed system across a range of property types along the rail line. The analysis should result in quantifiable projections of lost revenue for current and future uses along such systems (both at transit stop locations and between transit stop locations), and business failures, and should be based on case studies of other jurisdictions where an elevated heavy rail technology is chosen rather than a light rail at-grade system. It might also be helpful to analyze the impacts of other rail systems (*e.g.*, at-grade systems) and routes to compare the relative impacts of these alternatives. Once the impacts are identified using these empirical methodologies, the Final EIS should detail mitigation options and how these mitigation options reduce impacts on businesses.

2. Redevelopment

Comment #10: Elevated rail systems affect redevelopment options in the urban core and require additional mitigation measures

An elevated rail system will affect KS' and other landowners' redevelopment plans by limiting the kinds of projects that can be feasibly built on lands adjacent to the rail line. New buildings constructed along the rail line would have to plan around blocked viewplanes, noise emanating directly from trains, and the aesthetics of an elevated line and transit station. To compensate for the low demand for second or third level residential or office space and restricted view planes, buildings would have to be constructed at a minimum height if adjacent to the rail system. This will, of necessity, require greater verticality in future redevelopment, which will have broader community impacts and increase construction costs.

One example of the impact of buildings adjacent to elevated rail lines is the Los Angeles Green Line. A portion of the Green Line runs on an elevated line with several stations near major office buildings and hotel projects. The elevated portion is similar to the Project, except that it is no more than

25-30 feet above grade, and the concrete Y-beam is only 24-25 feet wide. There are no retail properties along the route. One office building constructed in 1993 at the intersection of Rosecrans Avenue and Aviation Boulevard was located within 40 feet of the building's curtain wall. As a result of the obstructed view and noise, the developer experienced significant difficulty in leasing the office space on the second and third floors of the building's northeast corner. This space was the last to be leased, with the space remaining vacant for three years.

If an elevated system is selected, KS expects that buildings occupied by residents, tenants, or businesses would need to be set back to attenuate the effects of the adjacent rail system. Buildings would also be constructed on platforms above the rail line to compensate for noise, visual, and aesthetic impacts. As a result, construction costs would increase due to the increased height and the use of more expensive materials to provide soundproofing, and the potentially larger building area. These constraints effectively narrow the range of redevelopment options. It could be cost prohibitive, for example, to build relatively affordable residential units on lands fronting the rail line.

KS requests that the Final EIS analyze in greater detail the impacts of an elevated system on redevelopment. Since there are multiple references in the technical reports that future TOD could mitigate some of the negative conditions created by the transit line, we recommend that the Final EIS incorporate input from urban planning professionals, including a working group(s) from the Hawaii Chapter of the American Planning Association, the American Institute of Architects, the Urban Land Institute, or similar organization(s).

In a similar vein, KS recommends that the analysis of Project impacts on property values be revised and expanded to address the points in these comments. The DEIS anticipates that the Project will lead to an increase in property values due to the desirability of access to transit and TOD opportunities. KS' consultant's research indicates that such results may not necessarily be achieved. Further, in situations where desirable value outcomes are achieved, they seemed to have occurred in systems that are not comparable to the Project, such as at-grade designs.

IV. COST AND FINANCIAL ANALYSIS

Comment #11: Further study of the financial feasibility of the DEIS is suggested.

As a member of the community, KS has an interest in seeing that the feasibility of an economic undertaking as significant as the Project is thoroughly studied and based upon reliable data. The initial financial projections for the Project reported in Chapter 6 of the DEIS may not have taken into account (a) the recent economic downturn, the duration or severity of which is unknown, (b) potential additional project costs that may be necessary to mitigate impacts of the Project, including those items identified in this letter, (c) the State's recent announcement of major highway improvement projects intended to ease traffic congestion, which may affect ridership projections, and (d) cost overruns beyond the control of the governmental agency, which were experienced by other large-scale projects. In light of, and in evaluating, these types of financial issues, KS respectfully suggests that the City consider alternatives to building an elevated system. As discussed below in Section IX, building an at-grade system through at least portions of the route could be less expensive, may achieve the same transit objectives as an elevated system, and could also eliminate many of the impacts discussed in this letter.

V. IMPACTS OF LAND ACQUISITIONS ON KS, ITS TENANTS AND THEIR BUSINESSES

Condemnation or an acquisition by the power of eminent domain of KS' legacy lands, even partial acquisitions, impact KS, its tenants, and their businesses. More information on what areas and

interests will be acquired, when they will occur, and what interests will be compensated for would be helpful to KS and its tenants.

Comment #12: KS requests more specific information on what will be acquired by the City and the impact of such acquisitions and compensation to be provided. Such information should assist KS and its tenants in evaluating how the acquisitions will affect their businesses.

1. Additional Information. The DEIS' recognition of the procedures for acquiring and compensating for properties taken and the disclosures to be made are helpful.[8] The *Real Estate Acquisition Management Plan* (RTD 2008q) (the "***RAMP***") is detailed and provides certain procedural protections. However, more specific information on the acquisitions and impacts of such acquisitions would assist KS and its tenants in evaluating how the acquisitions will affect their businesses, such as, (a) information on the size of the area that will be acquired, the size of the remaining area not being acquired[9], and the type of interest to be acquired[10]; and (b) confirmation that KS' and its lessees' buildings and other improvements will not be taken.

2. Goodwill. Businesses, especially small businesses operating from a location for many years, may develop valuable goodwill. "Goodwill" has been described as the benefits to a business as a result of its location, reputation for dependability, skill, or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage. The Model Eminent Domain Code and California's statute (Deering's California Codes Civil Procedure § 1263.510) provide for compensation to a business owner for the loss of goodwill. Neither the DEIS nor the RAMP discusses compensating a business owner for the loss of goodwill resulting from a full or partial acquisition (whether or not required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (CFR 1989) or other applicable statutory and case law). KS wishes to know whether the City intends to compensate a business owner for the loss of goodwill if the owner has to move because of reasons such as adverse impacts from construction activities, or the operation of the rail line, near the business.

4. Economic Unit. On a partial taking, it would seem to make sense to have parcels of land treated as a single parcel of land if they (a) are generally contiguous, (b) are in substantially identical ownership, and (c) are being used, or are reasonably suitable and available for use in the reasonably foreseeable future, for their highest and best use as an integrated economic unit.[11] That way, landowners and businesses are able to receive compensation for the diminution in value of the remainder parcel (the entire parcel excluding the portion acquired by the City) as the result of the Project. Clear guidance in the Final EIS on the treatment of parcels used as an economic unit and compensation for devaluation of the property not taken would assist KS, its tenants, and their business in evaluating whether they will bear a disproportionate burden of the impacts of the Project.

5. Consequences. The RAMP discusses the procedures for compensating property owners and businesses affected by full and partial acquisitions, however, KS' tenants and their businesses will be adversely affected if payments are delayed. In any such event, the aggrieved business owner has limited recourse against the City.[12] Consequently, it is suggested that the City consider including in the Final EIS a timetable for the City's compliance with the real estate process outlined in Appendix W and other portions of the RAMP (including the prompt payment of compensation after an agreement is reached) and measures to mitigate such harm caused to landowners and businesses such as a schedule of delay damages payable to the affected parties, interest on the amount due until paid, and reimbursement of reasonable attorneys' and experts' fees incurred by affected parties. In addition, to ensure fair treatment to landowners and businesses when offers of just compensation are made, condemned parties in other jurisdictions are reimbursed their attorneys' and experts' fees if the final offer price by the condemning agency is less than a certain percentage of the final judgment awarded by the court.

6. Disclosure of Impacts. The RAMP does provide for basic negotiation procedures where the agency is to "discuss its offer to purchase the property, including the basis for the offer of just compensation and explain its acquisition policies and procedures, including it[s] payment of incidental expenses in accordance with 49 CFR 24.106." See, § 4.B of App. W of the RAMP. However, it does not expressly require the City to disclose to the property owner or business the impact of the Project on the remainder parcel, including the business thereon, or the date by which payment will be made. It is requested that the basic negotiation procedures specifically include the City's disclosure of the impact of the Project on the remainder parcel, including construction disruptions, temporary and permanent access issues, noise, vibrations, etc., and compensation offered for such adverse impacts; and the date that compensation will be paid (in a pre-established schedule) and the consequences described above if payment is not made as scheduled.

7. Subdivision. Although the City is vested with the authority to approve the subdivision and consolidation of parcels of land, it does not usually exercise such authority when condemning property.[13] As such, it is requested that the RAMP (in sections describing closings) provide that on a partial taking, the City create subdivided parcels, including obtaining an order of the Land Court by the filing of the required petition and map, such that the parcel conveyed to the City and the remainder parcel are two separately subdivided parcels. Further, the City should permit the consolidation of a nonconforming (substandard) parcel with any adjoining parcel owned by or subsequently acquired by the condemnee.

8. Non-conforming parcels. When KS and its tenants have been left with a non-conforming parcel after acquisition by a governmental authority, they have not been able to obtain necessary building and other permits for renovation and/or redevelopment because of the non-conformity. It is requested that the City consider measures to allow reasonable development of non-conforming parcels created by the Project.

VI. KELO CONCERNS

Comment #13: KS requests assurances that the City will not take private property to give to another private party, whether in the context of a TOD or otherwise.

KS believes that its properties, including its legacy lands, should not be taken through the government's exercise of its eminent domain powers and transferred to a private party for any use. In Kelo v. City of New London, 545 U.S. 469, 125 S.Ct. 2655, 162 L.Ed. 2d 439 (2005), the U.S. Supreme Court narrowly held in a 5 to 4 decision that a city could exercise its eminent domain power by transferring property from one private party to another to promote economic development. However, the U.S. Supreme Court emphasized that nothing in its opinion precluded any state or county from imposing stricter restrictions on its eminent domain power. Many states have already imposed standards stricter than the federal standard by constitutional amendments and legislation.

Any use of the eminent domain power to take KS' property for private development, even if it is in the context of a TOD (transit-oriented development) or TSD (transit-supportive development) would have adverse economic and social impacts on KS. It is requested that the City declare in the Final EIS that the City shall not use its power of eminent domain to take private property and subsequently transfer, by sale or otherwise, the use, ownership, or possession of the condemned property, or any portion thereof, to any person or entity for any economic development or redevelopment or any private use or development, including but not limited to industrial, residential, agricultural, commercial, hotel, resort, office, or retail use or development, whether to raise revenue or otherwise create value to help it meet financial needs for construction or operation of the Project.[14]

VII. TODs As Potential Mitigants

Comment #14: TOD could be a positive mitigant to the impacts described herein; however, it is premature to rely upon the benefits until a TOD ordinance is adopted and developments are integrated into the Project through planning.

A. Importance of Planning. Studies of other projects indicate that proactive planning efforts to allow high density residential and commercial development near stations are the primary cause of land value appreciation. An example cited for this is the SkyTrain system in Vancouver, where the local governments instituted long term regional planning to create new town centers around elevated transit stations. One such center is the Metrotown, a former light industrial and suburban single family neighborhood, which is reported to be home to over 6 million square feet of commercial and thousands of high rise residential units. Another example cited is the Pleasant Hill BART station area where over 2 million square feet of commercial and 2,300 residential units have been built on a 75-acre site since the mid-1980's. In both cases, rail transit was reported as the key driver behind planning and development efforts

In contrast, where there is a lack of governmental assistance or coordination, the result may be decades of under utilized properties before any revitalization occurs. Even SkyTrain, as described above, has generated some negative impacts. Many stations have a poor reputation as magnets for crime. Development around elevated stations in the City of Vancouver has been hindered by NIMBYism and poor planning. It is reported that one year after the completion of the Expo line, the Ombudsman of British Columbia released a report addressing some negative impacts of SkyTrain, including noise, a harsh presence, loss of privacy and a depreciated enjoyment of lifestyle, all leading to reduced property values. Although in certain higher-density areas, home prices may increase near a station[15], multiple studies of rail projects show that property values decrease if located near a rail line or even a station.[16] In certain cases, with good planning and governmental assistance, these adverse economic impacts could be partially mitigated. Examining other projects should provide a sound basis for the City to improve upon the experiences of other cities.

B. Integrate Land Use Planning With the Project.

1. Study of other rail systems. To aid the City in identifying best practices in spurring TOD/TSD along the Project route, it is suggested that the City retain an independent urban economist to study other elevated, fixed guideway systems to evaluate and disclose both beneficial and adverse economic impacts on land values, including success stories where governmental assistance prevented or reversed decline. Public comments and input are recommended before the study is finalized.

2. TOD Ordinance. Furthermore, it is essential that the City enact a TOD ordinance. The DEIS has a limited discussion of TODs, but the *Land Use Technical Report* does contain a detailed discussion of land planning and a future TOD ordinance. It was anticipated that the City would develop and adopt a TOD ordinance by 2008. See, DEIS at 4-166. We remain hopeful that a bill will be introduced to the City Council in 2009. A TOD ordinance is appropriate before construction of the Project so that landowners can evaluate whether the ordinance will be an effective mitigant of the various impacts of an elevated system discussed elsewhere in this letter. In developing a TOD ordinance, consideration of the following is recommended:

a. Elements of successful rail projects. A study of rails systems shows that they all resulted in some negative impacts on surrounding properties, at least during construction; however, various aspects of each are also considered models for future TOD. Their success appears to be dependent upon: (i) the commitment of municipalities to employment and density; (ii) healthy real estate

market conditions; (iii) the interface and integration of rail and real estate concessions with adjoining TOD; (iv) careful phasing; and (v) public-private collaboration and the development of successful partnerships, including the establishment of the appropriate risk and revenue sharing mechanisms.

b. Evaluation of other transit projects in other states. Portland is often cited for having a strong planning component. It adopted policies on transit and land use that strongly encouraged TOD and is considered a model for successful development. It is reported that more than $6 billion in development has occurred along MAX lines since the decision to build in 1978. The positive land use impacts of Portland's transit system are due to both the impact of the transit system itself as well as aggressive state, regional, and local policy. Many financial subsidies were also provided to developers to build transit oriented development. While Portland remains, in the eyes of many planners, a strong example of successful transit oriented development, there are many critiques of the city and the impacts of MAX.

c. Implement sound planning principles. Studies show that sound planning includes (i) giving priority to development of a TOD ordinance to encourage development along the currently planned route and future transit stations; (ii) working with consultants and landowners to ensure appropriate zoning/land uses around stations; (iii) providing tools to ensure the district receives the intended development lift[17]; (iv) modifying subdivision and land use ordinances to allow non-conforming lots to be consolidated and re-subdivided and to allow issuance of renovation and redevelopment permits for non-conforming lots, both as discussed above; (v) integrating parking into TOD as described above; (vi) planning for and encouraging TODs because they do not automatically occur[18]; including possible real property tax breaks; (vii) developing a specific timetable for the adoption of a TOD ordinance; (viii) seeking and obtaining public input on a bill for a TOD ordinance[19]; (ix) ensuring that the permits to construct the TOD will be issued in a timely manner; and (x) to the extent the TOD ordinance is not adopted in a timely manner, ensuring that permits will be issued for pending developments and not delayed in anticipation of the TOD ordinance.

VIII. STUDY OF NORTH KING STREET ALIGNMENT

During the alternatives analysis phase of the NEPA/HEPA review process, the City considered two alternative alignments for the portion of the fixed guideway traversing through Kalihi and Iwilei, one aligned at North King Street and another at Dillingham Boulevard. The DEIS, however, only discusses the Dillingham Boulevard alignment. It appears that the North King Street alignment may not have been adequately studied before being eliminated as an alternative, and that there are advantages to a North King Street route that warrant it being re-examined.

Comment #15: Further study of the North King Street alignment is recommended

A further evaluation of the North King Street alignment may be warranted. In the initial stages of the environmental review process for the Project, North King Street was considered for the segment of the rail system traversing through Kalihi and Iwilei. The *Alternatives Screening Memo Honolulu High-Capacity Transit Corridor Project* dated October 24, 2006, and prepared by Parsons Brinckerhoff ("***Alternatives Screening Memo***") listed five alignment options for this segment including elevated guideway alignments for North King Street and Dillingham Boulevard. See *Alternatives Screening Memo* at 4-17. By the time the City issued the *Alternatives Analysis Detailed Definition of Alternatives* ("***Detailed Definition***") and *Alternatives Analysis Report* ("***Alternatives Analysis Report***") both dated November 1, 2006, the North King Street and Dillingham Boulevard alignments remained as alternatives for the segment, but the remaining alignments were eliminated. See *Detailed Definition* at 6-16; *Alternatives Analysis Report* at 2-7.

The *Alternatives Analysis Report* ultimately decided that the Dillingham Boulevard alignment was optimal, and that the alignment was selected for discussion in the DEIS. See *Alternatives Analysis Report* at 6-4. One reason cited was that the Dillingham alignment would require acquisition of fewer residential parcels than the North King Street alignment. The table shows two residential parcels along the North King Street alignment that would be acquired compared to one along the Dillingham alignment. See id. Table 4-1, at 4-2. Unfortunately, neither the residential parcels nor the number of units on the parcels for each alignment is identified in the 2006 *Alternatives Analysis Report* to permit an evaluation of the number of residents who would be displaced under either alignment. However, Appendix B of the DEIS shows that all or portions of three residential parcels (not one as noted in the *Alternatives Analysis Report*) along Dillingham Boulevard are slated for acquisition by the City and the *Neighborhoods and Communities Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008d) dated August 15, 2008, at 5-17 states that along Dillingham "[p]roperty acquisitions would result in 11 residential displacements." Thus, further evaluation would seem to be warranted to determine impacts on residents along both alignments.

The *Alternatives Analysis* states that the North King Street alignment would serve more residents than the Dillingham alignment, but notes that it would serve fewer jobs. As a general matter, serving more residents could lead to an increased ridership of rail because the rail system would be closer to people's homes. Further, the North King alignment is a particularly attractive alternative if the City chooses not to make the stations along the Dillingham alignment more accessible by building parking garages near the stations.

The *Alternatives Analysis Report* also stated that a greater number of potentially historic properties are located along the North King Street alignment. See id. at 4-1. The number of historic properties located along each alignment is not quantified, and the definition of "historic properties" is unclear; it might be that certain properties are "old" but do not have social, cultural, or historic value.

It should also be noted that the Dillingham alignment will require acquisition of three times more the commercial/office parcels (22 parcels) than the North King Street alignment (6 parcels). See id. Building a rail line will exacerbate already difficult economic conditions for Dillingham businesses.

The *Alternatives Analysis Report* states that the Dillingham alignment would result in fewer noise impacts. See id. at 6-4. The basis for the conclusion is not available in the report yet should be for such an important consideration.

Finally, the State recently announced its plans for a "flyover," an elevated two-lane roadway over Nimitz Highway, which "would run from the Ke'ehi interchange to Pacific Street, zipping commuters through Kalihi with no way to get off until its end." Mary Vorsino, "Hawaii Set for Years of Roadwork in 'Huge' $4B Highway Plan – 6-year effort includes Nimitz 'flyover,' better bike access," *Honolulu Advertiser*, Feb. 4, 2009. The impacts of the two proposed elevated structures over the parallel traffic corridors of Nimitz Highway and Dillingham Boulevard should be considered in evaluating a North King alignment.

One of the primary reasons given for choosing the Dillingham alignment is that it is projected to experience the highest transit ridership, which includes ridership on various modes of transportation (*e.g.*, busses). See id. at 3-6, 6-4. However, according to data reported in the DEIS, the North King alignment is forecasted to make 128,500 daily trips on the *fixed guideway system* as opposed to 123,700 daily trips for the Dillingham alignment. See id. Thus, for purposes of comparing two fixed guideway alignments, the North King Street alignment actually would attract more use. Moreover, the North King Street alignment is forecasted to experience twice the number of daily boardings than the Dillingham

alignment—*i.e.*, 10,860 daily boardings for the three stations along the North King alignment[20] versus 5,370 daily boardings for the two stations along the Dillingham alignment.[21]

For these reasons, KS requests that the Final EIS include the North King Street alignment as an alternative.

IX. EVALUATION OF AN AT-GRADE OR MULTI-MODAL SYSTEM IN THE URBAN CORE

Comment #16: An at-grade or multi-modal transit system in the urban core is an alternative worth evaluating to determine whether it is a less expensive and quicker to construct than an elevated system.

KS is supportive of a fixed guideway transit system.[22] The fixed guideway alternatives discussed in the DEIS utilize an elevated rail system and vary only in terms of alignment. See DEIS at S-4. None of the alternatives discussed in the DEIS appears to utilize at-grade technology for any segment of the alignment. While it is understandable why an elevated system might be utilized in rural areas of the transportation corridor, as discussed elsewhere in this comment letter, a host of adverse economic and environmental impacts are associated with an elevated guideway system, including noise, reduced visibility and access to businesses, visual blight, and increased crime. Such impacts will be greatest in the urban core where businesses and commercial land holdings are concentrated, including those of KS. For these reasons, it makes sense to consider an alternative to an elevated system at least within the urban core. KS believes that an at-grade system running from the perimeter of the urban core is a viable alternative to an elevated system based on cost, visibility impacts, urban aesthetics, construction impacts, and time to construct.

It is KS' understanding that the City did not formally reject an at-grade system as an alternative during the alternatives analysis.[23] Because the issue of whether the rail system should run on an elevated line instead of at-grade was never squarely raised during the alternatives analysis process, KS did not previously have the opportunity to comment on the relative merits of an at-grade versus elevated system.

It does not appear that the at-grade alternatives were adequately studied before being eliminated from consideration in the DEIS. Although at-grade alternatives were considered during the alternatives screening process, the reasons why they were not carried through to the DEIS is not explained. In fact, the *Alternatives Screening Memo* left open the option of constructing certain portions of a fixed guideway system at-grade. See, e.g., Screening Memo at 4-1, 4-4. For example, at-grade options were contemplated for the portion of the route from Leeward Community College to Aloha Stadium and from Aloha Stadium to Ke'ehi Interchange (Section 4). See id. at 4-10 to 4-17. The *Detailed Definition* did not discuss whether the fixed guideway system would be elevated, at-grade, or below-grade.

The *Alternatives Analysis Report* is largely silent on whether the fixed guideway alternative would be at-grade or grade-separated (or a combination). The "optimum alternative" identified in the *Alternatives Analysis Report*, which apparently became the alternative endorsed in the DEIS, was compared to other alternatives differing in terms of method (*e.g.*, managed lane alternative, TSM alternative) and route, not above-grade versus at-grade. The only reference to an elevated fixed guideway in Chapter 6 is a statement that the Twenty-Mile Alignment "continues elevated following Nimitz Highway to Ala Moana Center." Id. at 6-5. Based on this chronology, it is KS' understanding that the discussion of what fixed guideway system is optimal for the urban core remains open. This is an opportune time to continue the discussions.

A ground-level transit system for the urban core is worth considering because it can meet performance demands, and it has been demonstrated to work in other cities. Los Angeles' Blue Line is an

example of a rail system that utilizes a combination of at-grade, elevated, and subterranean technology. In the urban core of Long Beach, however, the Blue Line is completely at-grade. Our research indicates that the system carries 56,000 passengers per day with 20 peak hour trains running during both morning and afternoon commutes and 10 off-peak trains.

Portland's Tri-Met system is an example of a mixed-grade system. The Portland Metropolitan Area Express ("***MAX***") Light Rail system is at-grade through downtown and runs on elevated lines to the suburbs. Other types of trains also service the downtown area.

A similar at-grade system would be a viable option for the urban core of Honolulu. KS' understanding is that the desired through-put of the Project in mixed traffic is 3-minute headways and 6,000 passengers per hour per direction ("***pphpd***"). Experts have noted that a light rail transit ("***LRT***") system running on surface streets could satisfy the criteria. Three-minute headways equate to 20 train movements per hour; thus, a capacity of 6,000 pphpd requires that each train carry 300 passengers per hour. Modern light rail vehicles ("***LRV***") have a capacity in the range of 232 passengers per car. When operated in two-car trains, LRVs can exceed the throughput requirement.

Examples of at-grade LRT systems that can achieve the specified through-put include the following:

Alberta, Canada. Calgary, Alberta's system provides more than 6,000 pphpd capacity on Seventh Avenue, a surface street having numerous cross streets controlled by traffic lights. Its current schedules show that Calgary Transit operates its C-Train Route 201 (Dalhousie/Bridlewell-Somerset) every 4 minutes during the weekday morning and afternoon peak periods; the C-Train Route 202 (McKnight-Westwinds/City Centre) runs along Seventh Avenue every 6 minutes during the weekday morning and afternoon peak periods. This results in a combined headway of 2 minutes, 24 seconds. With the delivery during 2007 and 2008 of 40 additional LRVs, both of the light rail lines are being operated with three trains of Siemens-built U-2 and S160 LRVs, each with a practical capacity of 162 passengers, resulting in a practical capacity along Seventh Avenue of 12,150 pphpd based on 75 LRV car movements per hour.

Portland, Oregon. Portland, Oregon's MAX is a three-line LRT that operates through its central business district in curbside lanes along Morrison and Yamhill Streets. The three LRT lines currently operate a combined 4-minute headway (15 trains per hour in each direction) through Pioneer Square, the center of Portland's central business district, during the weekday morning and afternoon peak hours. A fourth LRT line, which will run for 1.8 miles through the central business district along Fifth and Sixth Avenues and on a 6.5 miles-long branch to Clackamas Town Center is nearing completion and is scheduled to be placed into passenger-carrying service on September 10, 2009.

Denver, Colorado. Denver's Regional Transit District operates 15 LRT trains (4-minute average headways) with lengths varying between two and four cars on its D, F, and H lines along California and Stout Streets. The West Line, a third LRT now under construction, will add two additional services throughout downtown Denver.

The above examples show that an at-grade transit system for the Honolulu urban core is an option worth serious study and consideration.

Endnotes:

---

[1] KS is a landowner in Honolulu, and the proposed rail alignment traverses through four key communities in which KS has a combined land area of approximately 229 acres. In each community, the proposed rail line either bisects KS' land holdings or runs along the perimeter of its properties.

[2] See **Comment # 3** for a more specific discussion on parking impacts.

[3] This request is made pursuant to 40 C.F.R. §§ 1508.8 and 1508.14. "When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." 40 C.F.R. § 1508.14. The *Economics Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008c) issued by DTS on August 15, 2008 was also reviewed in formulating this comment.

[4] Mitigation measures for post-construction impacts are discussed in other sections of this letter.

[5] Note that the *Transportation Technical Report* was also reviewed in formulating this comment.

[6] Publication No. FHWA HI-88-054.

[7] Boulevard Saimin is identified as a historic property in the DEIS. See DEIS at Table 5-2, page 5-7.

[8] The DEIS provides, "Acquisition of property for the Build Alternative would be conducted in accordance with Federal and State regulations and procedures outline in the Real Estate Acquisition Management Plan (RTD 2008q). Where relocations would occur, affected property owners, businesses, or residents would receive compensation in compliance with all applicable Federal and State laws. Compensation would be in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act (CFR 1989)." DEIS at S-6.

[9] By way of example, although there are references to increasing the width of Dillingham Boulevard by ten feet, it is unclear whether each right-of-way taking along Dillingham Boulevard will be ten feet wide.

[10] The maps included in Appendix B of the DEIS indicate that the rights of way acquisitions "may be in the form of an aerial easement; an easement allowing joint use; subdivision of property with transfer of title; transfer of title for the entire parcel; or some other form to be documented by Land Court registration."

[11] By way of example, it would make sense to treat the parcels constituting Dillingham Shopping Plaza as a single parcel because they are owned and operated as an integrated economic unit.

[12] Defined consequences would also ensure that the City understands that the federal requirements are not merely guidelines (notwithstanding the label of "policies" or "plan"), but are enforceable obligations to be taken seriously with consequences for failure to comply.

[13] For example, if the City condemns a strip of land in the middle of a parcel, the City's condemnation could create two nonconforming (substandard) parcels. The City has not allowed the consolidation of the nonconforming parcels with adjoining parcels owned by the same party. Such nonconforming (substandard) parcels adversely impact the property owner's ability to develop, sell, or lease such parcels.

[14] If the City does intend to use its power to take private property for private development, including any TOD or TSD, it is requested that the Final EIS (a) describe in detail any such intended use of the City's eminent domain power, (b) evaluate and disclose the economic and social impacts of such action, and (c) propose mitigation measures.

[15] The DEIS contains Table 4-35, at 4-169, entitled "Rail System Benefits on Real Estate Values." This summary appears to be incomplete and could be misunderstood as showing how the Project will increase "home" values if the home is located closer to the rail line.

[16] By way of example, a 1996 study of properties within a half mile of Portland's MAX stations had higher values but those within a half mile of the rail line, but not near a station, decreased in value. A 2004 study even showed that home values near the Chicago Midway Line station decreased in value after the rail project was completed.

[17] A study has shown that adjacency to transit stations is not a sufficient factor to cause development to occur. It found dozens of stations areas where no new development had occurred for 20 to 30 years. It is reported that along LA's Metro Blue Line, there has been little or no development activity along a several mile stretch of Long Beach Boulevard. Real estate professionals indicated that "the location of the transit line in the middle of the street had a significant negative impact on accessibility to retail businesses along the street.

[18] Development along the rail line will not likely occur automatically; governmental assistance and coordination are needed. It is reported that Portland TODs are heavily subsidized in the form of tax breaks, infrastructure subsidies, below-market land sales, and direct grants. The City of Portland has used tax incentives ($100 million of 10-year waivers of property taxes offered to high-density residences along the light-rail line) to help overcome redevelopment hurdles. This is excluding the $1.2 billion in tax-increment financing that Portland is offering to developers along the rail lines or similar direct subsidies offered by Portland's suburbs, including Gresham and Beaverton.

[19] It is important that KS, prospective investors, lenders, and affected businesses be given an opportunity to provide input on the bills. It should be noted that, the *Land Use Technical Report* provides that Kapalama has a "low potential for TOD," Table 5-1, at 5-4. KS requests further discussions with the City on the potential for TOD in Kapalama.

[20] This is the sum of the forecasted 3,530 boardings at the North King & Owen Street station; 2,580 boardings at the North King Street & Waiakamilo Road station; and 4,750 boardings at the North King Street at Liliha Street station. See *Alternatives Analysis Report* at Table 3-9, page 3-19.

[21] This is the sum of the forecasted 3,030 boardings at the Dillingham Boulevard & Mokauea Street station and 2,340 boardings at the Dillingham Boulevard & Kokea Street station. See *Alternatives Analysis Report* at Table 3-9, page 3-19.

[22] The term "fixed guideway" means:

> (4) Fixed guideway.--The term "fixed guideway" means a public transportation facility—
>
> (A) using and occupying a separate right-of-way or rail for the exclusive use of public transportation and other high occupancy vehicles; or
>
> (B) using a fixed catenary system and a right-of-way usable by other forms of transportation.

49 U.S.C. § 5302(a)(4). This definition does not distinguish between elevated and at-grade systems. Furthermore, according to the *Alternatives Analysis Report* at 5-5, the FTA Section 5309 New Starts program provides funds for the construction of a "new fixed guideway" system, which "refers to any transit facility that uses exclusive or controlled rights-of-way or rails, entirely or in part. Eligible purposes for these funds include light rail line, rapid rail (heavy rail), commuter rail, automated fixed guideway system (such as a 'people mover'), a busway/HOV facility, or an extension of any of these." Id.

[23] If the City did make a formal determination that an at-grade system is inferior to an elevated system and thus rejected an at-grade system as a viable alternative, information on that determination should be provided.

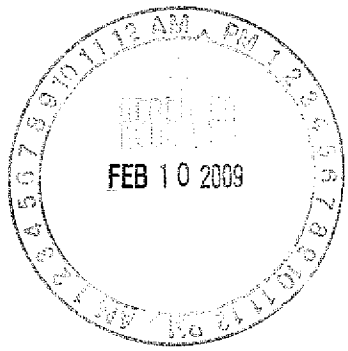
TERM	DEFINITION
Alternatives Analysis Report	*Alternatives Analysis Report* dated November 1, 2006
Alternatives Screening Memo	*Alternatives Screening Memo Honolulu High-Capacity Transit Corridor Project* dated October 24, 2006, prepared by Parsons Brinckerhoff
BDMP	Business Disruption Mitigation Plan
CBRE	CBRE Consulting, Inc.
City	City and County of Honolulu
DEIS	*Honolulu High-Capacity Transit Corridor Project Draft Environmental Impact Statement/Section 4(f) Evaluation* dated November 2008
Detailed Definition	*Alternatives Analysis Detailed Definition of Alternatives Honolulu High-Capacity Transit Corridor Project* dated November 1, 2006, prepared by Parsons Brinckerhoff
DTS	Department of Transportation Services of the City and County of Honolulu
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
Final EIS	The Final EIS for the Honolulu High-Capacity Transit Corridor Project
FTA	Federal Transit Administration
HEPA	Hawai'i Environmental Policy Act, Hawai'i Revised Statutes, Chapter 343
KS	Kamehameha Schools
Land Use Technical Report	*Land Use Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008b) dated August 15, 2008
LRT	Light rail transit
LRV	Light rail vehicle
MAX	Metropolitan Area Express
MOT Plan	Maintenance of Traffic Plan
NEPA	National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*
Pphpd	Passengers per hour per day
Project	Honolulu High-Capacity Transit Corridor Project
RAMP	*Real Estate Acquisition Management Plan (RAMP) Honolulu High-Capacity Transit Corridor Project* (RTD 2008q) dated February 29, 2008 and revised on April 1, 2008
RTD	Rapid Transit Division of the Department of Transportation Services of the City and County of Honolulu
TMP	Transit Mitigation Plan
TOD	Transit-oriented development
Transportation Technical Report	*Transportation Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008a) dated August 15, 2008
TSD	Transit-supportive development
UltraSystems	UltraSystems Environmental
Visual and Aesthetics Resources Technical Report	*Visual and Aesthetics Resources Technical Report Honolulu High-Capacity Transit Corridor Project* (2008e) dated August 15, 2008

TABLE OF CONTENTS

TABLE OF CONTENTS

AIA Honolulu

A Chapter of The American Institute of Architects



February 3, 2009

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Wayne Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Messrs. Matley and Yoshioka,

The Honolulu Chapter of the American Institute of Architects (AIA Honolulu) strongly supports the concept and implementation of a fixed guide way steel on steel rail system as an integral part of the future plans to meet the needs of our growing island community. We respectfully submit the enclosed report produced by the Honolulu High Capacity Transit Corridor Project Transit Task Force/ Honolulu Chapter/American Institute of Architects. We submit this report as a supplement to our comments and recommendations submitted to you on December 8, 2008.

We envision a versatile system, providing more service at a lower cost per mile that stimulates development and community revitalization along the entire route and built in the same time frame.

Thank you for your attention to this matter.

Sincerely,

Jeffrey Y. Nishi, AIA
2009 AIA Honolulu President

AIA Honolulu
119 Merchant Street Suite 402
Honolulu, Hawaii 96813-4452
Phone: 808 545 4242
Fax: 808 545 4243
Website: www aiahonolulu org

AIA Honolulu

A Chapter of The American Institute of Architects

American Institute of Architects/Honolulu Chapter
TASK FORCE REPORT: SUGGESTED LIGHT RAIL TRANSIT (LRT) FOR THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

EXECUTIVE SUMMARY

The Honolulu Chapter of the American Institute of Architects (AIA Honolulu) continues to strongly support the concept of a fixed rail transit system for Oahu. However, we also remain concerned over the appropriateness of the proposed elevated transit system particularly through the urban core of Honolulu. We therefore respectfully offer this report to assist the City administration, lawmakers, and stakeholders in strengthening community support, enhancing our neighborhoods and environment, investing taxpayer money wisely, and ensuring Federal funding for this historic project.

AIA Honolulu promotes the implementation of a flexible transit system capable of operating at, above, or below grade to accommodate the particular conditions within each community. Widely used transit technologies such as light rail transit (LRT) with overhead catenary wires allow transit planners this greater flexibility while still satisfying transit design criteria for passenger volume and frequency of service.

In light of the current economic recession, a predominantly at-grade light rail solution would offer Oahu residents a more cost effective transit system built in less time. Such a system would also be cheaper to operate and maintain, annually conserving taxpayer money. The resulting cost savings could be directed toward extending the system to UH Manoa, Waikiki, and perhaps even to Kahala Mall and Mililani/Wahiawa/Haleiwa.

At-grade systems would encourage diverse, mixed-use Transit Oriented Development (TOD) along the entire length of the transit route and help revitalize existing communities and buildings rather than concentrating new development only at station locations. Increased accessibility tends to stimulate ridership and promote inter-modal connectivity. Such systems more easily complement active streetscapes and vibrant public spaces, helping to enhance Honolulu's sense of place. Compared with elevated rail, the minimal visual and environmental impacts of at-grade systems further preserve our unique island scenery for our visitors and residents alike.

The chart on the following page summarizes the findings in the report:

AIA Honolulu
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813-4452
Phone: 808 545 4242
Fax: 808 545 4243
Website: www.aiahonolulu.org

SUGGESTED LIGHT RAIL TRANSIT (LRT) FOR THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

AIA Honolulu continues to strongly support the concept of a fixed rail transit system for Oahu However, we also remain concerned over the appropriateness of the proposed elevated transit system particularly through the urban core of Honolulu. AIA Honolulu promotes the implementation of a flexible transit system capable of operating at, above, or below grade to accommodate the particular conditions within each community. To assist the City administration, lawmakers, and community in strengthening community support, enhancing our neighborhoods and environment, investing taxpayer money wisely, and ensuring Federal funding for this historic project, AIA Honolulu's Transit Task Force has prepared the following comparison study of two different types of fixed rail systems:

- The elevated "hot" third rail system currently proposed in the Draft Environmental Impact Statement (DEIS) dated November 2008, and
- At-grade light rail transit (LRT) systems using an overhead "catenary" power wire

The LRT system was chosen for consideration in this study because of its flexibility; LRT guideways can be put at grade, below grade or overhead as required by planning considerations. The two rail systems are compared in terms of:

- Construction Costs
- Operating and Maintenance Costs
- Visual and Environmental Impact
- Transit-Oriented Development, and
- At-grade Traffic Impact

I. CONSTRUCTION COST

Elevated rail

The latest cost estimate for the 20-mile, 20-station elevated rail system proposed for the City & County of Honolulu is $5.3 billion, or $265 million per mile[1]. This figure is for the initial phase from Kapolei to Ala Moana and does not included extensions to Waikiki or UH Manoa. Due to the scarcity of recently built elevated systems, it remains difficult to evaluate these projected construction costs. The only instance in which an all-elevated mass transit line was built in a major city in the United States occurred in Miami in the 1970's, which is too long ago to provide reliable cost data.

Given the large cost overruns of recent transit projects in Hawaii (H-3)[2] and elsewhere in the country (Boston's "Big Dig", Los Angeles subway), and the lack of construction data from elevated transit projects, we are concerned that current cost estimates and contingencies may not be adequate.

At-grade rail

Currently there are 35 at-grade rail systems operating in urban areas of North America[3] (Appendix 1). These systems all use an overhead power wire and steel rails at grade (ground) level in dedicated street lanes or other existing public right-of-ways. A number of these systems

Construction Time: Elevated Rail
According to the city, the estimated construction time for the first phase (20 miles) of the Honolulu system is 9 years, with construction to begin in December 2009 and full service to Ala Moana starting at the end of 2018[9].

Construction Time: At-grade Rail
Construction time for an at-grade LRT system in Honolulu would likely be similar to the system just completed in Phoenix. The 20-mile at-grade system in that city was completed in 4 years (2004-2008)[10].

Construction Energy Consumption
According to the Draft EIS for the HHCTCP, "construction of at-grade high capacity transit systems generally require 20,000 MBTUs of energy per track mile (Caltrans 1983), including track and power systems". For an all-elevated system such as the one proposed for Honolulu, "an additional 150,000 MBTUs of energy per track mile would be required to construct the elevated structure"[11]. Total energy required to build a mile of elevated rail line is 170,000 MBTUs, or 8.5 times the energy required for the same length of at-grade rail.

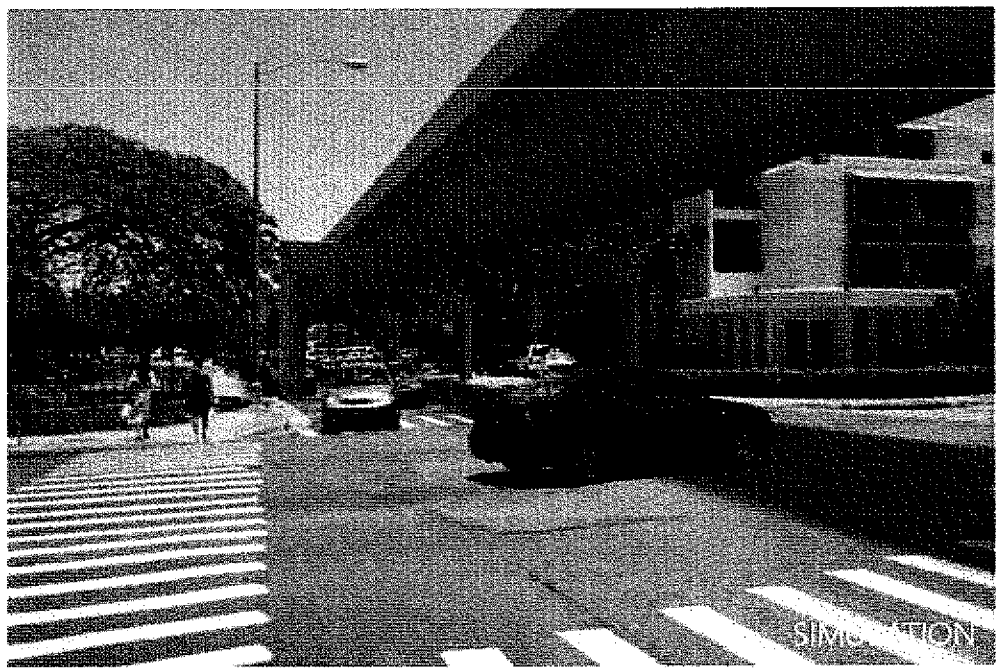
SUMMARY: CONSTRUCTION COST, TIME AND ENERGY
Comparing the latest City estimate for elevated rail ($5.3 billion) with the uppermost estimated cost for at-grade rail ($2.5 billion), a 20-mile at-grade LRT system would allow the City to build a transit system for one-half the cost, thereby reducing taxpayer funding. Comparing construction time of the Phoenix at-grade system (4 years) with the City's estimated construction time for Honolulu (9 years), at-grade LRT would allow the City to build a transit system in less that one-half the time, thereby reducing necessary traffic disruptions during construction. Finally, as energy costs and consumption have come to the attention of the public in light of global warming concerns, it is important to note that the embodied (construction) energy required for a mile of elevated rail is 8.5 times that of at-grade rail.

II. OPERATING AND MAINTENANCE COSTS (OMC)
Elevated Rail
According to the City's rail transit website, the annual operating and maintenance costs (OMC) for the proposed 20-mile elevated route will be $63 million[12], or $3.15 million per mile. This figure can be broken down into track-and-train OMC (which are the same whether at grade or elevated) and OMC associated with an elevated system. According to the Light Rail Industry (LRI), the typical OMC for an at-grade LRT system is $1.5 million per mile, or $30 million for a 20-mile system. Using a 1.3 cost multiplier to account for Honolulu's relatively higher cost of living, we estimate that the projected OMC for tracks and trains alone in Honolulu would be $39 million. Subtracting that figure from the City's overall OMC figure of $63 million leaves $24 million, which is the OMC for elevators, escalators, lighting, painting, restrooms, and security at elevated stations.

At-grade Rail
At-grade rail typically shares existing roadway and right-of-ways resulting in significantly lower OMC than elevated rail. No stairs, escalators or elevators are required. Steel rails are recessed

Simulation of guideway at Nimitz Highway/Fort Street Intersection

East of the Downtown area, Mother Waldron Park, a state Historic Site, and adjacent low-rise residential buildings will be substantially contrasted by the bulk and scale of the elevated guideway and required straddle bent structure, as seen in this simulation:



Straddle bent guideway and columns at Halekauwila Street/Cooke Street intersection

The sounds from trains passing every few minutes will impact those people working or living in the immediate vicinity of the route. The noise impact will be most severe for apartment dwellers living on the 3rd to 5th floors due to proximity of the guideway. However, there will also be noise impacts on floors above the guideway because the low buffer walls which are planned to block train noise will divert the noise upward.

Construction of an elevated rail line will significantly alter the immediate environment under the entire length of the system. Construction down the center of existing divided streets will require the removal of many mature street trees. There will be a major loss of greenscape in these areas, as the street is changed from one with a center boulevard of grass and mature trees to one with a center hardscape in permanent shadow.

Construction of an elevated rail line in the urban core will create a more seriously degraded environment than in suburban areas. Urban core land underneath elevated transit structures such as highways and off-ramps tend to be paved, noisy, dusty and unpleasant for pedestrians. These environments often become favored locations for criminal activity such as drug-dealing and for the homeless.

Honolulu is a world-class tourist destination attracting millions of visitors every year who enjoy the exotic scenery and unique culture of Hawaii. An elevated rail structure in the urban core would have a detrimental effect on tourism, the primary industry in the state. The Waikiki Improvement Association has stated publicly that it has "serious concerns with a potential Waikiki spur from Kapiolani Boulevard . . to Kuhio Avenue" because of "aesthetic and physical density issues of locating the overhead track in a resort and residential area"[16] As can be seen in the photographs of the King Street/University Avenue intersection , an elevated system will block existing mauka-makai views and create a visual element out of scale and character with the surrounding community.

Due to the significant visual impacts of an elevated rail system, we are concerned that proposed mitigation measures will only have a marginal effect. Aside from broad statements such as "develop design guidelines" and "coordinate with the DPP", the only mitigation measures discussed in the DEIS are "provide new vegetation" and "shield exterior lighting"[17].

At-grade Rail

In cities where subway systems are not feasible, at-grade rail has consistently been the preferred rail alternative in the last 30 years in the United States. The popularity of at-grade rail is in large part due to the low visual and environmental impact on the existing urban fabric. Grade level guideways are virtually invisible in a street except for the rails recessed into the roadway and the thin power wire overhead, as seen in the following photo of the Charlotte (NC) light rail system:

While the Phoenix example is of a median (center-of-street) station, at-grade rail can also be located on the outer lane of existing streets, allowing existing boulevard landscaping and trees (an important feature on streets such as Kapiolani Boulevard) to remain intact. At-grade guideways can also be split into one-way streets to minimize at-grade traffic impacts. An independent transportation consultant has noted that "the requisite through-put (capacity) could be achieved in Honolulu by reserving one curb lane on each one-way street for light rail transit operations with station areas located on the sidewalk"[18]. This idea is consistent with a previous plan by the City to place rail transit lines on King Street

Sound impact on neighboring apartments is substantially less that elevated rail because an at-grade guideway is 30 to 40 feet farther from (below) apartment units located on upper floors Steel-on-steel noises are reduced with at-grade construction due to sound conduction into the surrounding soil. Most importantly, existing urban neighborhoods traversed by at-grade rail retain their existing scale, character, daylight patterns, and greenscape.

SUMMARY: VISUAL AND ENVIRONMENTAL IMPACTS

Flexible technologies such as at-grade LRT offer transit planners the ability to pose far fewer visual and environmental impacts compared with elevated rail systems. By eliminating the bulk of the environmental impacts discussed in the DEIS, community concerns can be greatly reduced and public support further expanded. The scarcity of all-elevated rail systems currently being built in the United States suggests that other municipalities have sought to avoid the frequently severe environmental impacts (and high costs) of such systems. Even with the most sensitive design guidelines and coordination, it is difficult to prevent elevated rail systems from becoming an overpowering element in any urban environment. Flexible, at-grade rail systems, on the other hand, more easily blend into the existing landscape and urban fabric.

IV. TRANSIT-ORIENTED DEVELOPMENT (TOD)

Introduction

Transit-Oriented Development (TOD) has no universal working definition throughout the country but is typically defined as compact, mixed-use development near transit facilities with a high-quality walking environment.

The potential benefits of TOD are social, environmental, and fiscal. Focusing growth around transit stations leverages public investment in transit to encourage local investment, which leads to increased business and tax revenues. TOD, proponents believe, can be an effective tool in curbing sprawl, reducing traffic congestion, and expanding housing choices. The most direct benefit of TOD is increased ridership and the associated revenue gains. Research shows residents living near stations are five to six times more likely to commute via transit than are other residents in a region. Other primary benefits include the revitalization of declining neighborhoods, financial gains for joint development opportunities, increases in the supply of affordable housing, and profits to those who own land and businesses near transit stops.

TOD's secondary benefits include congestion relief, land conservation, reduced outlays for roads, and improved safety for pedestrians and cyclists. Many of these benefits feed off of each other. TODs help create compact, walkable communities, and provide sustainable, comfortable

construction but rehabilitation of older buildings as well. The wider diversity of projects attracts a wider range of residents and neighborhood users of all income levels.

Community and Inter-modal Connectivity
At-grade rail allows planners to better utilize adjacent land uses, since no space has to be blocked out or condemned for escalators, elevators, structural columns, etc. At-grade stations can be located for easy access to the local community and interconnection with existing local businesses and services. Passengers on trains at-grade can easily connect to other modes of public transport such as buses or taxis.

Liveliness and a "Sense of Place"
At its core, transit-oriented development strives to make places work well for people. TOD aims to restore many of the features of yesteryear's cityscapes—comfortable and enjoyable streetscapes, vibrant and interactive public spaces, and an assemblage of land uses that invite people to stroll, linger, and interact with each other. At-grade rail stations can be designed to complement existing civic spaces such as plazas, waterways, public malls or parks. There is a growing appreciation for the need to create enduring main streets and real places in American cities. Creating stations with a "sense of place" seems particularly important in Honolulu, which prides itself on being a unique destination in the United States.

SUMMARY: TRANSIT-ORIENTED DEVELOPMENT
In many ways Transit-Oriented Development seeks to reproduce the cityscapes found in American cities some 80 years ago: city streets full of pedestrians from all walks of life, sidewalks comfortable and enjoyable for a stroll and stopping to talk with fellow residents, attractive civic spaces interspersed throughout. Like the streetcar systems common in American cities in the 1920's, at-grade rail has significant advantages for TOD in areas of accessibility, safety, efficiency, inter-modal connectivity and overall neighborhood liveliness. At grade LRT can offer transit planners and the communities they serve greater opportunities to create a successful TOD not available to planners of elevated rail.

V. AT-GRADE TRAFFIC IMPACT

Elevated Rail
With most functions raised 30 - 40 feet above street level, at-grade traffic impacts of elevated rail are primarily the result of placement of structural columns at the street level to support the guideway and stations. Where the guideway is centered on an existing street, columns will take up one traffic lane. On boulevard-type streets, guideway columns can fit within existing median strips and have little impact on traffic. Where columns are located at the sides of streets to hold up straddle-bents at stations, there will be a loss of sidewalk space.

The impact on at-grade traffic by elevated rail will be particularly severe during construction of the system. Excavation for column foundations and utility relocation will be more extensive with elevated rail than for at-grade rail, requiring larger portions of existing streets to be closed. Overall construction time for elevated rail will be twice as long as that for at-grade rail, requiring longer closure of existing streets and longer periods of impact on at-grade traffic.

synchronization system and/or a traffic preempt system A traffic preempt system alters signals at intersections to give priority to any train approaching the intersection. Successful examples of this include Portland TriMet's MAX light rail where design policy permits trains to only stop at stations to prevent traffic delays[20]

Pedestrian safety is also a concern when locating at-grade rail lines and stations. At-grade trains can be put in exclusive-use lanes or pedestrian malls to protect passengers from at-grade traffic as they disembark. Pedestrian barriers are also used, particularly in median (center street) stations to force pedestrians to slow down and take notice as they approach traffic lanes or intersections.

SUMMARY: AT-GRADE TRAFFIC IMPACT

At-grade LRT systems can offer transit planners a viable alternative to elevated rail while still maintaining transit system design criteria for passenger volume and train frequency Impact on at-grade traffic can by managed through signalization systems commonly used in 35 other cities. Similarly, pedestrian and passenger safety can also be maintained via barriers and protected zones.

6. Honolulu Advertiser, April 20, 2008, Page A1, "Rail line will alter city's landscape", article by Sean Hao. Typically, the proposed guideway will range from 30 to 50 feet above ground level, with high points at Waiawa Stream (90 feet above grade), Ala Moana Center station (86 feet above grade) and King/University station (60 feet above grade).

7. Honolulu Advertiser, June 1, 2008, Page A1, "189 properties in rail's path", article by Sean Hao.

8. Honolulu Advertiser, December 25, 2008, Page A1, "Isle voices raised on rail line", article by Sean Hao.

9. Ibid

10. Honolulu Advertiser, December 28, 2008, Page A25, "Phoenix commuters applaud startup of light rail system", article by Jacques Billeaud (Associated Press)

11. DEIS, Chapter 4, page 4-159.

12. Information from www.honolulutransit.org/faqs

13. Correspondence from John Farry, Director of Community Relations, Phoenix MetroRail, January 20, 2009.

14. DEIS, Chapter 4, page 4-62

15. DEIS, Appendix A, Sheet RP024. In the profile drawing at the bottom of the sheet, a second guideway labeled "Future Extension" is shown above the (Phase 1) guideway ending at Ala Moana Center.

16. Comments on the DEIS submitted by the Waikiki Improvement Association, December 15, 2008, page 7.

17. DEIS, Chapter 4, page 4-93.

18. Correspondence from Philip G. Craig, Railway system designer/ Transportation Consultant since 1955, Upper Montclair, NJ , January 20, 2009

19. Correspondence from Philip G. Craig, Transportation Consultant, Upper Montclair, NJ, January 21, 2009

20. Information taken from Portland LRT website: www.trimet.org/about/history.htm

APPENDIX 2

AIA Public Policy on Transportation

The American Institute of Architects/Honolulu Chapter supports funding and planning to integrate all transportation modes with an emphasis on alternatives to the automobile ***including*** mass transit, pedestrian ways, bicycle paths, and water transit so that each region and urban area may choose the most effective and efficient combination of modes for its own needs.

Supporting Statement

We encourage the use of social, environment, and aesthetic criteria—as well as economic efficiency—in the design of routes and supporting facilities for all transit modes.

Transportation system routes and facilities should support land use objectives, including urban growth management and efficient transit mode linkages, and respect significant human, cultural and natural environments.

Furthermore, transit systems and facilities should achieve the following design objectives:

A. Protect and enhance mauka-makai view corridors in accordance with the City & County of Honolulu's Primary Urban Center Development Plan (PUC DP) and Land Use Ordinance (LUO) Framed street views of the mountains and the shoreline are significant scenic resources that provide directional orientation to motorists, pedestrians, and visitors alike. Visual and physical access between mauka and makai should be preserved to enhance the connection between the city and the waterfront.

B Preserve and enhance historic and cultural districts in accordance with the City & County of Honolulu's PUC DP and LUO The planning and design of transit systems and facilities should complement the visual context of these areas as well as their physical, historic, and cultural value Significant vistas associated with these structures and districts should also be retained

C. Provide safe and healthy environments for transit passengers as well as pedestrians and neighborhood residents along the transit route Safe and easy accessibility should also be promoted

D Promote sustainable planning, design, and operation. In keeping with sustainable practices, transit systems and facilities should offer the ability to meet present needs without compromising those of future generations.

The physical and aesthetic impact of new and improved road systems should be considered by planners Road widths and infrastructure improvements should be kept to the minimum needed to accomplish transportation and community planning objectives

Hawaii's Thousand Friends

25 Maluniu Ave . Suite 102 , PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 2, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai`i 96813

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Regarding: Honolulu High-Capacity Transit Corridor Project Draft Environmental Impact Statement/Section 4(f) Evaluation

The DEIS preface states, "The purpose of this Draft Environmental Impact Statement (DEIS) is to provide..... information necessary to make an informed decision, based on a full and open analysis of costs, benefits, and environmental impacts of alternatives considered."

Unfortunately, the DEIS does not provide a full and open analysis of the short and long-term direct, indirect and cumulative social and environmental impacts from the various aspects of the fixed guideway system.

Chapter 1 Background, Purpose and Need

- When the Second City concept was introduced it was billed as a place where people would live and work thus avoiding the long commute into Downtown. Neither businesses nor jobs nor infrastructure have kept pace with housing development thus causing traffic congestion within Kapolei and Ewa and forcing people to still travel long distances to work.
- With more businesses including government offices relocating to Kapolei and a new large shopping center planned how would ridership on the fixed guideway rider ship be affected?
- Figure 1.8 Daily 2007 Transit Trips between Transportation Analysis Areas is totally useless. If this diagram is supposed to show all transit trips – car, bicycle, and bus it missed the point and is nothing but a bewildering maze of blue.

1.6 Potential Transit Markets

- "Despite the large growth of employment opportunities in the Kapolei area, population is projected to outpace and exceed the available employment in the area." "Additionally, there will be a bidirectional flow of traffic throughout the day as more City and State administrative offices move their daily operations to Kapolei and as other employment grows in the area."
- What are the direct and indirect impacts on residents who must travel further from Hawai`i Kai, Aina Haina and the Windward side to get to government operations that have moved from Downtown to Kapolei?
- What are the direct and impacts on the environment and air quality from the additional vehicle traffic traveling longer distances to Kapolei for government services?
- What are the time and cost impacts to residents who ride the bus from East Honolulu and Windward to government offices relocated from Downtown to Kapolei?
- Makakilo is expected to grow by 125%, which is 25% more than Ewa between 2000 and 2030 yet there is no transit system projected to connect to Makakilo. Why?

Chapter 2 Alternatives Considered

Operating Parameters

- This section states, "It is envisioned that bicycles would be allowed on trains."
  - At what point in process will the decision be made on whether to permit bicycles on each train?
  - Will the public have opportunities to comment on what types of bicycle facilities are needed?

Table 2-5 Fixed Guideway Operating Assumptions

- What is the "branch-line headway?"
- How many times along the entire fixed guideway route will trains reach 50 miles per hour or greater?
- At what points along the route will trains reach 50 miles per hour?
- At 50 miles an hour what is the distance needed for a train to stop?
- How many trains will be running to meet the 3 to 10 minute time schedule at each stop?
- What is the purpose of having both elevators and escalators at each station?
- What are the maintenance costs per year for all the proposed elevators and escalators?
- What is the yearly maintenance schedule for all elevators and escalators?
- Will bicycle parking be permitted at each station, train platform and train stop? How many spaces will be allotted for bicycle parking at each station?
- What measures will be used to prevent Hawaii's homeless from sleeping under the stations, platforms and overhead guideway?
- What measures will be used to prevent graffiti on the columns, stations, platforms and *
- What maintenance procedures will be to get ride of graffiti and stay on top of it so that the fixed guideway system does not become a glaring mess of spray paint?

Figure 2-19.

- What are the height, width and length of the Transit Center Bridge? Will there be 20 hour lighting and security?

Figure 2-20 Pearl Highlands Station

- What are the dimensions of the station - height, width?
- How many cars will the parking garage hold?
- Will the garage be enclosed and have security and lighting?
- What hours will the garage be open?
- Will the parking garage be a shared use with Pearl Highlands Shopping Center? If so, will the Center contribute to the construction and maintenance costs?

Figure 2-22. Aloha Stadium Station

- What are the height, width and length of the Elevated Connecting Bridge? Will it be covered and have security and lighting?

Chapter 3 Transportation

3.2.1 Existing Travel Patterns

- What is the expected percentage of total daily trips of air passengers that now use ground transportation that will use the transit system to and from the airport?
- What percentage of those traveling in the corridor, and not originating or ending at work, will use the fixed guideway system?
- The DEIS is silent on what the public land under the fixed guideway system in between columns will be used for. Without information on specific uses at specific sites it is impossible to envision or assess direct or impacts of the proposed uses. The FEIS must provide information on the types of uses proposed for each column-to-column segment under the fixed guideway.

3.4. Future Conditions and Effects; Build Alternatives

Reverse Commute Markets

- The DEIS states that "Almost four-fold increase in employment is estimated by 2030 for Kapolei, the quick and direct access provided by the fixed guideway system from PUC Development Plan area locations would help address the demand of future reverse commute markets."
- How many new jobs does "four-fold" represent?
- What data was used to determine that there would be a "four-fold" employment increase in Kapolei by 2030?
- What is the estimated percentage of students and faculty living in Kapolei, Ewa, Waianae, Makakilo and North Shore that now attend UH Manoa are anticipated to attend the UH West Oahu campus?
- What is the estimated percentage of UH Manoa students and faculty that will travel to UH West Oahu for classes?
- What other government offices are planned for relocation to Kapolei or Ewa?
- What is "the sum of the travel times in between" East Kapolei and the Pearlridge Station?

Changes in Transit and Private Vehicle Demand

- What data was used to determine that the commute-to-work transit share of the Ewa to Downtown travel would increase from 23 % to between 54 and 56 percent?

Access to Fixed Guideway Stations

- Identify the ways that the 2030 No Build conditions would effect the "gradual

deterioration of service reliability" of bus service to parts of the island outside of the study corridor?

- What data was used to determine that access to stations by bus or walking would be 85% of "total trips in the a.m. two-hour peak period?" If this is the case then why are large parking facilities and park-and-ride lots planned for only 15% of the projected ridership?

3.4.3 Effects on Streets and Highways

Table 3-21 Column Placement Effects on Streets and Highways

- What are the direct and indirect impacts on travel time by drivers at the sites where median strips will be expanded and travel lanes reduced?
- What are the direct and indirect impacts on pedestrians at locations where sidewalks will be eliminated??

3.4.4 Effects on Parking, Bicycle and Pedestrian Facilities and Freight

Effects on Parking Supply

- The DEIS states that an "Estimated 820 to 960 off-street and 230 to 250 on-street parking spaces would be removed as result of Build Alternatives…"
- The DEIS further states that, "Future development around station areas-new land uses near stations could change the demand for and supply of parking. These factors could influence how people choose to access the stations and where they would park."
- While acknowledging the loss of parking and spill over parking into neighborhoods there is no information on short and long term effects on residents and neighborhoods impacted by spill over and construction parking or businesses that depend on street parking.
- What are the direct and indirect impacts to neighborhoods and businesses near and adjacent to the fixed guideway from spill over and construction?
- Identify the areas that will loose off-street parking and how many parking spaces will be lost at each location?
- Identify the areas that will lose on-street parking and how many spaces will be lost at each location?
- Will any of the removed off-street and on-street parking spaces be replaced? If so how many and where?
- What are the direct, indirect and cumulative impacts of removing on and off street on people attending community events and facilities such as parks, libraries, and schools?

Table 3-24

- What is the safety risks to bike riders when shared roadways are reduced from 16 to 14 feet and from 14 feet to 13 feet?
- If the city wants to encourage bicycle riding as a mode of transportation throughout the island and to and from transit then bike riding should be made safer and not more dangerous as the proposed lane reductions seem to be doing.

3.4.5 Mitigation of Long-term Transportation Effects

- Stating that "there is available parking on nearby side streets to accommodate people currently using parking spaces that be lost to guideway construction" only increases

crowding of neighborhoods and is not an acceptable mitigation measure. Neighborhood overcrowding from parking is a serious safety and aesthetic problem so the issue should not be casually brushed aside but must resolved through community involvement.

- Information from the "detailed surveys for the affected areas" regarding necessary parking placement should have been included in this DEIS so that the direct, indirect and cumulative impacts from loss of parking, construction and spill over parking could have been evaluated.

3.5 Construction-related Effects on Transportation

3.5.1 Construction Staging Plans

- Construction staging areas and plans should have been identified and the locations included in this DEIS. Without information on staging sites it is impossible to assess the direct, indirect and cumulative social and environmental impacts of each site.
- It is unacceptable to state that "Staging areas are not expected to cause a substantial effect" when locations are not known and environmental, social and cultural impacts have not been evaluated.
- Will there be a public involvement component within each effected community in the selection of construction staging site?
- In Kailua unbeknown to the community, a contractor contracted with a private landowner to use a parcel of land, adjacent to a wetland, for a construction staging. While using the site the contractor placed fill in a portion of the wetland. Vigilant residents spent several years documenting the infraction, which resulted in fines to the landowner and contractor, and partial restoration of the wetland. Play this scenario out over the length of the 20-mile fixed guiderail system and years of delay and trashed environmental resources could be the result of not identifying and evaluating construction sites in this disclosure document.

3.5.2 Construction-related Effects on Transit Service

- The DEIS fails to evaluate the direct, indirect and cumulative impacts on Handi-Van services and residents when bus stops are relocated and bus routes are changed during construction at all segments of the 20-mile fixed guideway system.

3.5.4 Construction-related Effects on Parking

- It is unsatisfactory that the "precise effects on parking during construction" will be left to the individual contractors to handle. Data on construction site selection, construction and community parking needs and mitigation measures should have been included in this DEIS so that social, environmental and cumulative impacts could be evaluated in a comprehensive manner.

3.5.7 Mitigation of Construction-related Effects

Maintenance of Traffic Plan

- Will the proposed "extensive public information program" include a public involvement component or will it just consist of information distribution?

Chapter 4 Environmental Analysis, Consequences, and Mitigation

4.1 Land Use

- This section touts all the proposed and anticipated development projects but fails to mention that not all permits for development have been sought or received.
- This is the built it and they will come scenario. As pointed out the fixed guideway system begins and ends in an empty field.
- Why the fixed guideway didn't begin in Downtown and work outwards is a mystery. One key reason, we believe, is that it would have been much harder sell but would have provided a meaningful transportation option in traffic congested areas. Beginning in an open field surrounded with compliant and willing landowners is a much easier sell.
- The undeveloped field where the fixed guideway system begins is far from most residential areas in Kapolei so people wanting to use the rail system will need to use their cars to reach the station. The DEIS is silent on whether new bus routes will be added to accommodate people who want to take the train or where the bus stops will be located.
- Because the Kapolei station is far away from the Kapolei business district people traveling to work in Kapolei will need to use buses to get to work once in Kapolei. We assume that new bus routes will be created so that people can get to their jobs but the DEIS does not provide information on bus routes or the time it will take to get to the Kapolei business district in the traffic congested Kapolei from the Kapolei station. If the bus travel time combined with the rail travel time is to long or comparable to travel by car people could opt to drive from other destinations instead of using the rail system thus negating the purpose(s) of building the rail.
- The FEIS must provide car and bus travel route and time information to and from the Kapolei station for residents living in Kapolei and information on travel time from various locations along the fixed guideway route for people traveling to the business district for work.
- What is meant by the statement "An assessment of potential changes in land use that could result from the improved mobility that would be provided by the long-term operation of the Project?"
- The DEIS states that the "Waianae end of the project that would serve the area where both population and employment are forecasted to grow by approx 400% area includes West Oahu campus, Salvation Army Kroc Center and a master-planned development Ho`opili. All are planned to open between 2009 and 2012. With commercial space envisioned to grow to 7.1 million sq ft compared to 8.4 million sq ft in Honolulu today."
- What are the direct, indirect and cumulative impacts of all the above increased population on the rail system and traffic congestion within Kapolei?
- What percentage of the 7.1 million sq ft of commercial space will be new space, what percentage exists and what percentage is proposed developments that have received permits to build? What are the direct and indirect impacts on commercial businesses in Honolulu from the projected commercial growth in Ewa and Kapolei?
- With the West Oahu campus projected to have 7,600 students and 800 staff and faculty by 2020 what are the impacts on UH Manoa student enrollment?
- The DEIS failed to identify when each of the proposed developments - West Oahu campus, Kroc Center, Ho`opili and new shopping center on Hawaiian Home lands, is projected to be developed in relation to construction of the Kapolei transit station. Without this information it is impossible to evaluate that direct, indirect and cumulative impacts on the environment, water resources, public facilities and traffic. This information must be in

the FEIS.

- It is contradictory to say that TOD special districts within Ewa and Kapolei "would restrict development in agriculture and open space areas" when the Kapolei station, West Hawaii Oahu Campus, Kroc Center and Ho`opili development are all projected to be built on land current designated agriculture.
- If TOD "could occur before the fixed guideway stations are constructed" how does the creation of TOD special districts prevent the conversion of agricultural land to urban uses?
- The DEIS states that approximately 80 acres of prime farmland and 8 acres of statewide important farmlands would be acquired but does not identify where these lands are located and present uses. What is the county zoning for the 88 aces of agricultural land? This information must be provided in the FEIS.
- The DEIS identifies the highly successful Aloun Farm as the largest property facing displacement through acquisition for the 45 acre maintenance facility. How much of the Aloun Farm is prime and/or statewide important agricultural land?
- What is the City zoning for the Aloun farm?
- The DEIS states "Considering that the amount of affected farmland is such a small proportion of all agricultural land on Oahu, the effect would not be significant and no mitigation would be required." What an insensitive statement. The farm is significant to the operators, workers and general public who enjoy the fresh produce and picking pumpkins in the pumpkin patch, the only place on Oahu where that is possible.
- Does the statement that no mitigation is required mean that the Aloun Farm operators, who we assume lease the land although that information is not in the DEIS, will not be compensated for financial losses once the land is no longer available for farming?
- While the DEIS states that land will be acquired for transportation use the DEIS is silent on whether changes in zoning and land use designations and what types of zoning and designation changes will be sought. This information must be provided in the FEIS.
- What is the present zoning for each parcel that will be acquired?
- How many zoning changes and land use designation changes are anticipated for the entire 20-mile fixed guideway system?
- At what point(s) in the process will zoning and land use designations be sought?
- While the Ewa Development Plan is cited as pomoting "higher-density residential and commercial uses along a major rapid transit corridor linking Kapolei with the PUC" this disclosure document does not provide data on what that would look like. Nor does this disclosure document analyze the direct, indirect and cumulative impacts on public facilities, utilities, communities and neighborhoods, population shift, traffic and businesses along the corridor from higher and more concentrated development. The FEIS must provide that information.

Mitigation

- The DEIS states that, "Based on the relatively small number of parcels affected by full acquisitions, the effects on different types of land uses in the study corridor would be minimal."
- We would not know if the "effects" "would be minimal" because precise information on each parcel that will be partially or totally acquired was not given in this disclosure document. Thus, making it impossible to comment on any impact, direct, indirect or

cumulative, on neighborhoods, communities, businesses, environmental and natural resources and land use patterns.

4.3 Acquisitions, Displacement, and Relocation

The DEIS provides no information on public facility sites land acquisitions. The exact location is not identified nor is information provided on the present use of the land. It is hard to imagine that there will not be impacts by the land acquisition yet without information it is impossible to evaluate the direct, indirect and cumulative impacts.

- Honolulu Community College (0.18 acres)
  - What are the direct and indirect impacts to the College from removing 0.18 acres?
  - Will buildings and students be affected?
  - What purpose is the land being acquired for and how will that use impact the college?
- Waipahu High
  - The DEIS states that acquisition of 0.16 acres effects a "small number of temporary or permanent buildings may be displaced or may require minor modification."
  - What are the direct and indirect impacts from either displacement or modifications to the school, students and faculty?
  - How many temporary and/or permanent buildings will be displaced or modified?
  - Are there sufficient classrooms or other buildings to accommodate the students, uses or faultily that will be displaced by the land acquisition?
  - What will the acquired land be used for and how will that use impact classrooms, students or other school facilities?
- Leeward Community College (3.94 acres)
  - What are the direct and indirect impacts to the college, students and faculty from the acquisition of 3.94 acres?
  - What will the acquired land be used for? How will that use impact surrounding buildings, classrooms and open space?
  - Does the acquisition leave the area unusable?
- UH Manoa Urban Garden Center (.16 acre)
  - What are the direct and indirect impacts of acquiring 0.16 acres of the Urban Garden Center?
  - Will the Center still be viable, will programs and opportunities be lost or will the garden have to be relocated because of the acquisition?
  - What will the acquired land be used for and how will that use impact the garden?

Affected Community facilities

- Bethesda Temple Apostolic Church (.05 partial acquisition of land)
- Alpha Omega Christian Fellowship (displaced as part of full acquisition of commercial building where church is located)
- Nimitz Field (.58 acres
- Richardson Field (.05)
- Ke`ehi Lagoon (2.88 acres)
- Aloha Stadium (.08 acres)
- Pearl City Post Office (.06 acres)

- Federal Building 300 Ala Moana (.34 acres)
- Oahu Correctional Facility (.21 acres)
- City office building (not identified)
- Fort Shafter Army Reservation (acreage and location not given)
  - "Military properties include lands used for military operations as well as residential accommodations for enlisted personnel and their families"
- Makalapa Naval Housing (acreage and location not given)
- Pearl Harbor Complex (acreage and location not given)
- Naval reservation (acreage and location not given)

- The DEIS states that "measures to reduce adverse effects on community facilities would be evaluated during future design. Mitigation efforts would involve coordination with individual property owners as necessary."
  - Will there be opportunities for community discussions on the impacts of public land acquisition? If so, identify the opportunities for public involvement.
- While land acquisition may be within the law residents, businesses and public institutions should be given greater respect than to just be identified and mediated. After all these are people, lively hoods, and places where are children learn and play. In some cases, as with the Banana Patch, a whole community will be displaced. Will they ever get back the lifestyle they have now - don't know and we don't think anyone will ever know because mediation will happen behind closed doors.
- If the parcels slated for parcel or full acquisition were only identified "based on conceptual engineering drawings" when will the actual acquisitions be known? Without accurate acquisition data it is impossible to analyze the direct, indirect and cumulative impacts on public facilities, traffic, communities, neighborhoods and environmental and natural resources.
- Where will property owners, public and private, be officially notified that their property will be partially or fully acquired? How much time notice will they be given?
- What policies and procedures are in place to ensure that people and businesses that are displaced will have "comparable housing that is decent, safe and sanitary....and affordable" and that businesses will have equivalent commercial spaces?
- The DEIS states that "Once it was determined that a parcel would be acquired, the displacement and relocation of residences, businesses and uses were analyzed." What are the results the investigation? Why weren't the results put into this disclosure document so that the direct, indirect and cumulative impacts from full and partial acquisition could be evaluated? That information must be provided in the FEIS.

4.4 Community Services and facilities

Public and community services within ½ mile of project alignment

- The DEIS states that "Countless community facilities, schools, churches, parks and utilities, listed below, have been identified as being within ½ a mile of the fixed guideway."
- Other than a list of affected facilities no information is provided on how properties and/or services will be directly or indirectly impacted.
- How was the use of a ½ mile as a measurement determined?
- At what point(s) within the 26-foot wide fixed guideway system is the ½ mile measured from?

- Without information on where the ½ mile begins and ends at each point in the 20-mile and without showing exact location of properties within the1/2 mile it is impossible to evaluate direct impacts on buildings, residents, businesses and communities. That information must be provided in the DEIS.
- The DEIS does not provide any information on how many school within a ½ mile of the fixed guideway will be impacted by noise and at what level. This is critical because if the noise is severe then classrooms and other school facilities might require air conditioning, which will be a huge purchase and installation cost as well as yearly maintenance and electrical costs. This information must be presented in the FEIS.
- How many schools will be impacted by noise from the fixed guideway system and what will that impact be to each school?
- Since school facilities are owned by the state but will be impacted by a city project which arm of government will pay for the costs associated with air conditioning?
- What are the noise impacts from the fixed guideway system on outside events held at schools and other public facilities along the 20-mile fixed guideway route?
- The DEIS identified 58 schools within ½ mile of project alignment
- The following schools are adjacent to alignment and directly impacted
    - Honolulu Community College (0.18 acres all alternatives)
    - Kalakaua Middle School
    - Kalihi Kai Elementary School
    - Makalapa Elementary
    - Moanalua High
    - Pearl City elementary
    - St. Joseph Elementary (private)
    - Waipahu High (.16 acres a small # of temporary or permanent buildings may be displaced or may require minor modification in addition to the required purchase of narrow strip of land all alternatives)
    - Waipahu Intermediate
    - Leeward Community College (3.94 acres all)
    - Maoanlua/Aiea community School
    - UH Manoa Urban Garden Center (.16 acre All)
    - Holy Family Catholic Academy (private)
    - Joy of Christ Preschool (private)

  The DEIS identified the following community facilities as being directly affected
    - Bethesda Temple Apostolic Church (partial acquisition of land (.05)
    - Alpha Omega Christian Fellowship (displacement)
    - Nimitz Field (.58 acres)
    - Richardson Field (.05)
    - Ke`ehi Lagoon (2.88 acres)
    - Aloha Stadium (.08)
    - Pearl City Post Office (.06 acres)
    - Federal Building 300 Ala Moana (.34 acres)
    - Oahu Correctional Facility (.21 acres)
    - City office building (not identified)
    - Fort Shafter Army Reservation (location not given)
        - "Military properties include lands used for military operations as well as

residential accommodations for enlisted personnel and their families"

- Makalapa Naval Housing (acreage and location not given)
- Pearl Harbor Complex (acreage and location not given)
- Naval reservation (acreage location not given)

The DEIS identified 93 religious institutions and being within ½ mile with 19 being adjacent

The DEIS identified 5 cemeteries within ½ mile, with 2 adjacent

The DEIS identified 6 libraries, 5 police stations, 3 fire stations and 6 medical facilities within ½ mile of project the alignment

The DEIS identified 64 parklands and recreation facilities with ½ mile

- Irwin Memorial Park (public)
- Mother Waldron Park (public)
  The Hawai`i Community Development Authority's Master Plan identifies this park as a major community amenity that is crucial open park space as Kaka`ako redevelops into a dense residential area. Since the fixed guideway skirts the mauka boundary of the park what are the direct and indirect impacts on the park and people visiting the park from having an elevated rail system so close?
- Aiea Bay State Recreational Area which received Water and Land Funding are Sec 6(f) resources
- Aloha Stadium
- Navy Housing Community Park (private)
- Navy-Marine Golf Course (military)
- Richardson Field (military)
- Neal S. Blaisdell Park (public) *Received Water and Land Funding are Sec 6(f)
- West Loch Golf Course (public)
- Walker Park (public)
- Future Queen Street park (public)
- Ke`ehi Lagoon Park

- The above lists show that a lot of properties, both public and private, will be impacted by the 20-mile fixed guideway system. This is a huge unprecedented undertaking for our island with unknown implications and ramifications all along the route. Yet, neither data on each property nor a cumulative effects analysis was provided in this disclosure document. Thus, making it impossible to understand or asses direct, indirect or cumulative impacts to the direct properties, public facilities, utilities, communities, neighborhoods and environmental or natural resources.
- While identification of social, recreational, and public facilities is critical lists by themselves are meaningless. There is absolutely no way to evaluate direct, indirect and cumulative impacts to a particular site or collectively when information is not provided.
- The DEIS does not provide information on why the office building that houses the Alpha Church will be purchased. That information must be provided in the FEIS.
- What are the direct and indirect impacts to the vendors at the Aloha Stadium swap meet from the fixed guideway system and station planned for the stadium?
- It is unacceptable to state in this disclosure document that, "Measures to reduce the adverse effects on individual community facilities would be evaluated during preliminary and final engineering design." The time to "evaluate effects" is during the disclosure phase not after.

- What measures that will be used "to reduce the adverse effects on individual community facilities" must be provided in the FEIS.
- Since this avoidance to detail path has been chosen we predict that there will be countless delays when residents become aware of the threats to their schools, community facilities and neighborhoods.

4.4.3 Environmental Consequences and Mitigation

- While the DEIS states that properties that meet the Federal criteria under Section 4(f) resource have been evaluated that evaluation information is not in this disclosure document.
- Why weren't the evaluation findings published in this disclosure document so that reviewers could comment on possible direct, indirect and cumulative impacts on the resource and surrounding environment?
- That information must be provided in the FEIS.

Public Services Common to all Build Alternatives

- The DEIS mentions that a Maintenance Traffic Plan will be developed during final design to manage traffic and emergency services during construction.
- Since traffic and availability of emergency services will be major problems during all phases of construction and after completion of the 20-mile fixed guideway system why wasn't a Maintenance Traffic Plan developed and included in this disclosure document? That information must be provided in the FEIS.

4.5 Neighborhoods

- The DEIS states that the "Project transects 9 city-designated neighborhoods." "How is a "designated neighborhood" defined and where are the nine neighborhoods located?
- What approvals will the City need from the Hawai`i Community Development Authority (HCDA) before construction of the fixed guideway can begin in Kaka`ako?
- What is the meaning of "projects life cycle?"
- The DEIS states that "The transit agency could experience 3 types of crimes; crimes against persons, crimes involving transit property and other crimes committed on transit property." What are the other crimes that are anticipated to occur on transit property?
- How many security guards will be hired? How many will be stationed at each station? Will there be security personnel at each station and platform the 20 hours of operation? Will there be security personnel on each train?
- Will there be surveillance cameras at each station and platform?
- Transit Oriented Development is being encouraged around transit stations yet there is no information about the types of zoning changes that will be sought at each location to allow for higher density development. Without location and zoning information it is impossible to evaluate the indirect and cumulative impacts of higher density on infrastructure, traffic, businesses, public and community facilities and adjacent communities. Information on zoning and stations identified for TOD must be provided in the FEIS.
- The DEIS states that "There is a public perception that community cohesion would be adversely affected by the Project. Because the Project would be constructed primarily

within an existing transportation corridor in developed areas, it would not divide or bisect any communities beyond existing conditions."

4.5.3 Environmental Consequences and Mitigation

- It is not satisfactory to say that "potential new development and redevelopment along the project alignment, as well as the scale of the transit system itself, **may** affect the character of development along the alignment" or that "This change in character **would not have a substantial effect** on the existing development pattern or community character within the surround neighborhoods?" (Emphasis added)
- Substantial is in the eyes of the beholder. It is obvious that the fixed guideway system 30-40 feet in the air will impact residents and businesses in affected areas so they deserve to know how their community, businesses and neighborhood will be impacted. Instead, this document just gives out platitudes.
- What data and measurements were used to determine that changes to the character of a community and surrounding neighborhoods would not be substantial?
- Residents need information and must have the ability to be directly involved in decision making before staging sites are selected, parking spaces removed, lanes closed, bus routes closed or changed etc
- This DEIS was supposed to provide in-depth information on the economic, social welfare, and public health of each community along the 20-mile fixed guideway route yet that information is non-existent.
- What factors were considered in reaching the conclusion that though "...there would be adverse effects to these neighborhoods" "no mitigation is required?"

Mitigation

- The DEIS states that "Ongoing coordination efforts with the public will help develop design measures that would enhance the interface between the transit system and the surrounding community" but does not state what the coordination efforts will be nor does the DEIS define what represents the "surrounding community." Outreach and coordination must be broad so that information dissemination, conversations and decision-making encompasses neighborhoods that may be affected by secondary impacts.
- What out reach techniques will be used to contact business owners and residents to ensure that those directly and indirectly affected will be informed about construction projects?
- What types of "design measures" will enhance the columns as they run through communities?
- What types of "design measures" will soften the columns, the elevated concrete structures containing the rail tracks and steel-on-steel noises as the train travels through communities every 3-10 minutes?
- What "design measures" will alleviate the noise from construction?
- What "design measures" will alleviate parking and traffic problems when parking spaces and parking for construction workers, transit riders and others move into adjacent neighborhoods?
- What "design measures" will alleviate the inconvenience and disruption when sidewalks and travel lanes are closed, bus stops moved and bus routes changed?

- The more important question is why are these critical decisions being put off until the design phase and not brought forward in this disclosure document for comprehensive evaluation of direct, indirect, cumulative and secondary impacts on neighborhoods, residents and businesses?

4.6 Environmental Justice

4.6.2 Affected Environment

- The list below identifies some of the social and community resources in OMPO EJ area but no information is provided on each facility or how it will be impacted by the fixed guideway system.
  - Goodwill
  - Pu`u wai Momi
  - Pu`uwai Momi Housing Complex Teen Center
  - Salt Lake Apartments
  - Institute for Human Services.
- It is interesting that the most impacted minority community – the Banana Patch was not identified when the OMPO method was used to identify Environmental Justice communities. The Banana Patch was only identified as a 100% minority EJ community after public outreach identified the community as an EJ area of concern.
- What mitigation measures will be used to move families living in the Banana Patch to comparable multi-generational living spaces and conditions, which is an agricultural subsistence lifestyle within an urban setting?
- Because of the broader communities involvement a community meeting, including the participation of a FTA Civil Rights Officer, will be held in the Banana Patch
- What other EJ communities did the OMPO EJ technique miss?
- Generally, environmental justice has to do with the disproportionately negative and heavy impact of activities involving the environment on the health and living conditions of communities of color and low-income communities. Environmental justice revolves around not only who is disproportionately affected by an environmental activity, but also WHO DECIDES? Typically the decision-makers do not reflect the groups who will be affected by their decisions.
- Usually residents in the underserved and poorer communities are unaware of issues and do not participate in government actions. This could be for many reasons: financial, non-English speaking. What efforts will be made to inform residents from EJ communities of pending changes and impacts on their community from the fixed guideway?
- The DEIS did not give any consideration to the higher occupancy density in home residences that's common in the identified communities and the anticipated and unanticipated impacts of the guideway transit system affect on environmental and social health. This information and analysis must be done before the DEIS is accepted.
- To elevate undue strain on identified EJ low-income and minority communities residents must provided information and included in decision-making. Translated information informing affected communities about impacts from construction and a whole host of other changes must be distributed in a way that will encourage and attract participation.
- From the conclusion made in the DEIS "That .....it has been determined that here are equal effects on the OMPO EJ areas and non-EJ areas" and "there are no disproportionately high or adverse effects on OMPO EJ areas" it seems that EJ

communities will be left out of the decision making process once again. Is that what is meant by this statement?

- The DEIS states that there will be impacts, as shown below, but does not identify the direct, indirect or cumulative effect of each of the impacts on the community or neighborhood. Such information must be provided in the FEIS.
  - Impacts from right-of-way acquisition
  - Impacts to community cohesion
  - Impacts to social and cultural resources
  - Visual quality impacts
  - Noise and air quality impacts
  - Traffic and transportation impacts
  - Short-term construction impacts
- There is no information in the DEIS about the Section 8 low-income housing that will be displaced in Waipahu by the fixed guideway system. This too, like the Banana Patch, seems to have escaped OMPOs EJ guidelines?
- What are the direct, indirect and cumulative impacts of displacing people living in Section 8 housing? Will the city assist residents in finding comparable housing?

4.6.4 Public Outreach

- While "Important project notifications" were placed in various ethnic and cultural newspapers it is unclear if information was translated into the languages of people reading those publications? If not, will future notifications be translated into the languages of the people in the effected communities?
- Were public reading materials placed on the website and handed out at community events translated into common languages within the identified communities?
- How much community participation was there from the various EJ communities and how many comments were received from non-English speaking community members?
- It is disconcerting to read at this stage in the process that, "Efforts will be made to identify and coordinate with EJ populations to actively solicit their input." This statement tells the reader that so far the outreach does not seem to have been garnered much participation by the most vulnerable and less active members in a community and who do not attend Neighborhood Board meetings, call a hotline or post comments on the website.

4.7. Visual and Aesthetic Conditions

4.7.2 Affected Environment

- Visual resources in the project corridor include landmarks, significant and majestic mauka and makai vistas, historic and cultural sites, parks, open spaces and trees and there is no way to mitigate the visual impact of the 30 to 40 foot high elevated 26 feet wide concrete fixed guideway system.
- No amount of designing, paint color or pretending that it won't be as obtrusive as we all know it will be there is no way to mitigate the impact of the elevated fixed guideway, elevated stations with lights that will cast off glare into the nigh sky and will forever mar our visual horizons.
- The only thing that *might* disrupt the intrusion of the fixed guideway system in some places are tall very tall trees, 30 to 40 feet tall trees. But whether planting trees of that

height to block the bleak starkness of the 26-foot wide guideway has been considered is not known because that information has not been provided in this disclosure document.

- What are the "policy documents" that identified significant views and vistas and will govern the project corridor? Why weren't these documents included in the DEIS?
- What are the mitigation measures that would alleviate the obvious intrusion, loss of property values and views when the 30-40 foot guideway comes "within 10 feet of some facades along Dillingham Boulevard?"
- The fixed guideway system and Chinatown Station 30 feet above Nimitz will be a dominant visual element and bifurcate historical Chinatown from its historical connection to the Honolulu waterfront. Some things can't be mitigated and this is one of them.
- In downtown views from the 4th and 5th floors would be blocked and trains would create light and glare and stations would increase this effect. The guideway and columns would change the visual character of the streetscape and the historical disconnection between downtown and the waterfront. There are no mitigation measures that can mitigate these impacts.
- On Halekauwila Street the guideway and columns would also block views from the 4th and 5th floors and increase light and glare on upper stories. Visual effects would be high and property values would be low. Can't have an elevated train whizzing by outside your window and expect peace and quiet, fresh air and breezes and reasonable value for your property should it need to be sold.
- What changes are proposed for historic Halawa Bridge that will substantially change its appearance?

4.9 Noise and Vibrations

- The DEIS identified the properties, listed below, as being affected by noise.
- Over a 26-mile route it cannot be that just these properties will be affected by noise. The FEIS must identify all other properties that will be impacted by noise.
  - 94-340 Pupumomi St -- moderate impact to 5th floor and above
  - 1000 Kamehameha at Kauhale St: 14 buildings with moderate impact at ground level
  - 860 Halekauwila: moderate impacts to 6th floor and above
  - 113 Waimanu: moderate impacts to 7th through 9th floors
- One direct impact will be the loss of property value due to noise from the fixed guideway system traveling 30-40 feet past residential and business windows.
- What are the direct, indirect and cumulative impacts from loss of property value for properties affected by noise from the fixed guideway system?
- One direct effect on individual effect will be the loss of breezes and fresh air as residents adjacent to the fixed guideway system will be forced to close their windows and air condition their home. In this age of reducing energy use to eliminate green house gases it is ironic that more people will be resorting to air conditioning due to the fixed guideway system and this can only be expected to get worse as Transient Oriented Developments are build along the 26-mile fixed guideway system.
- It is interesting that the DEIS points out that "Severe noise impacts are considered significant within the context of NEPA and HRS 343." Yet, the DEIS does not consider noise to be significant since it states that "It is not practical to avoid severe impacts by

changing the location of the project, mitigation measures must be considered and incorporated into the project unless there are truly extenuating circumstances that prevent it." Without moving the alignment away from buildings the only remedies that come to mind to block out noise from a steel-on-steel train whizzing by 30-40 feet in the air is to close the windows and air condition your home. What a shame.

- Identify the locations where "project noise level would be equal to or above the severe impact level" and "a sever impact would occur."
- What constitutes a "sever impact" and what, if any, mitigation measures would be used to moderate noise levels?

4.12 Ecosystems

Migratory Waterbirds

- The DEIS states that "the only protected waterbird that nests in Hawaii is the black-crowned night heron." That is incorrect.
- There are many species of waterbirds in Hawai`i, including the endangered Hawaiian duck, endangered Hawaiian stilt, endangered Hawaiian coot, and endangered Hawaiian gallinule. All are endemic to Hawai`i. The 'auku`u, or heron, is indigenous. All of them nest in Hawai`i, although not all on all islands. There are also a number of migratory waterfowl, and ducks, such as the mallards, and shorebirds.
- The statement that "Over time, the waterbirds would adjust to new structures built for the Project....and avoid the structures" is probably true but Hawaii's water and migratory birds have never had to compete with a fast moving unyielding object 30 to 40 feet in the air before.
- Unfortunately, the Ecosystems and Natural Resources Technical Report didn't discuss what will happen when water and migratory birds encounter a train high traveling 30 to 40 feet through the night sky other than to say "over the long term these birds are expected to adapt to the new elevated guideway structure and the presence of the trains, as they have adapted to the presence of highway traffic." A train traveling high in the sky is different from many lanes of cars. The potential impacts on water and migratory birds should not be so summarily dismissed but data should have been provided and direct, indirect and cumulative impacts on water and migratory birds should have been analyzed. Until all impacts are analyzed and understood this DEIS should not be approved.
- The Technical Report also did not address the effects a constant stream of lights in the cars and on the trains traveling up to 50 miles an hour 20 hours a day would have on water and migratory birds. Information on the impacts must also be analyzed and understood before this DEIS is accepted.
- While the Technical Report acknowledged that, "Construction activities adjacent to the springs and other water bodies where the waterbirds were observed may temporarily affect their feeding habitats" the short and long-term impacts on individual water and migratory birds and cumulative impacts on the species was not analyzed.
- During the observation for the Report several federally listed endangered stilts were present along the alignment and inhabit Waiau and Kalauao Springs (Sumida Watercress Farm). The federally listed endangered common moorhen has been recorded at the Sumida Watercress Farm. The federally protected migratory native black-crowned night heron have been seen at Moanalua Stream, Kalauao Spring and at

a drainage canal near the Honolulu Airport near Ke`ehi Lagoon.

- Hawaii's federally listed endangered birds are present along the rail alignment and before this DEIS is accepted the direct, indirect short and long-term and cumulative effects of construction activities, lights on the trains and at the stations, train speed, hours of travel, and height of the rail system on Hawaii's water and migratory birds must be investigated, reviewed, evaluated and incorporated into a technical document.
- The Technical Report stated without providing any substantiating data or analysis that, "The Project would not affect wetland sites such as spring-fed wetlands along the route because with few exceptions, the proposed corridor would use existing roadways." The report did acknowledge that "There may be temporary disturbance of endangered and protected waterbirds when construction activities are in proximity to some of the spring-fed wetland sites, in particular the Sumida Watercress Farm (Kalauao Spring) and Waiau Spring" but then the Report proceeded to say "However, construction is anticipated to be no more than a minor distraction to these birds because they continue to inhabit these wetlands even though they are adjacent to highways that are heavily traveled by vehicles, trucks, and buses, and even though the general area has gradually become more densely developed. Over time, the waterbirds are expected to adjust to new structures built for the Project." While waterbirds may exist at Sumida Watercress Farm and Waiau Spring they are currently not being disturbed by daily noise and other disturbances from construction activities.
- The above conclusions reveal another reason why this DEIS cannot be approved until in-depth analysis of construction activities on water and migratory birds within the corridor is reviewed, understood and measures in place to ensure that the fragile bird population does not collapse from the urbanization of their habitat.
- In addition the Report states that "Construction activities over Moanalua Stream may temporarily affect the availability of foraging sites for black-crowned night herons, but this species is highly adaptable to altered environments and would adapt to new structures built over the stream." It appears that this conclusion was reached without analyzing the direct, indirect and cumulative impacts of the loss of foraging sites would have on black-crowned night herons. Black-crowned night herons may be adaptable but loss of foraging sites may force them to abandon this foraging area and no data or analysis was provided in this DEIS to indicate that they would ever return.

4.13 Water

Wetlands and Streams

- While the DEIS and Technical Report state that no direct impact to Waiau and Kalauao Springs, such as placing piers in either spring, is anticipated neither report analyzed short and long-term direct, indirect impacts and cumulative affects to both springs that might occur during construction such as dewatering.
- Neither report analyzed direct or indirect impacts to the Sumida Watercress Farm operations from construction and the completed guideway system other than to note that the shadow from the elevated guideway system might affect water quality. Even that impact was not evaluated or analyzed.
- The DEIS states that, "Some stream crossings would be required along the alignment. In some instances, the discharge of stormwater from the guideway may increase stromwater inflow to some of these waters. However, because stormwater quality is not

expected to be adversely affected, no streams or downstream marine waters are expected to experience negative effects." The DEIS does not provide any data or analysis to back up that statement. The DEIS also does not provide data or analysis on the cumulative impacts from roadway runoff and rail runoff on streams.

- The Technical Report noted that the endemic listed `o`opu nakea while uncommon was present in Waikele and Waimalu Streams. This is good news. The bad news is that the `o`opu nakea inhabit streams that are within the fixed guideway alignment and so far data and analysis on direct, indirect and cumulative short and long-term impacts to native species within the alignment is not in the DEIS or Technical Report.
- The Technical Report states "Bridge support piers that are 6 to 10 feet in diameter would not inhibit `o`opu nakea from traversing to the ocean during the twice-a-year spawning period." This leads us to believe that piers will be placed in both streams. Is that true? If so, how many piers will be placed in each stream?
- Unfortunately, the Technical Report does not identify what the impacts to the `o`opu nakea would be during construction or the length of construction activities in and around the streams. That information is crucial to understanding what is needed to protect the o`opu nakea as it migrates to and from the ocean.
- A positive mitigation measure would be to avoid any construction activities in and around Waikele and Waimalu Streams during `o`opu nakea spawning periods.
- Does the alignment go over Pu`o`hala Marsh that has been identified as of critical importance to Hawaii's endangered waterbirds? If so, will any structures be placed in the marsh? What are the short and long-term impacts of construction activities to the marsh, waterbird habitat and the water and migratory birds that forage in the marsh?
- All temporary and permanent proposed and potential stream diversions for bridges, park-and-ride lots, parking structures and garages, rail stations and platforms were not identified in the DEIS. The locations must be documented in the FEIS.
- It is unsatisfactory to state that, "Detailed delineation would therefore be a future task to be coordinated during the Project's design phase." While some aspects of the fixed guideway can be put off to the design phase evaluating temporary and permanent impacts to Hawaii's streams and wetlands is one of them. This fixed guideway system is not a surprise. It is not something that was sprung on people a few months ago. To not be prepared to provide data and analysis of impacts, direct and indirect of construction and other activities in and around streams and wetlands within the alignment because "insufficient design information at the planning stage (e.g., the exact location of bridge crossings)" was not known or available is unacceptable. This is another good example of why this DEIS cannot be accepted.
- What is meant by the statement in the Technical Report that "Inspection of streams was limited to the location of specific crossings?" Does it mean that not all streams were evaluated?
- The Technical Report provides a litany of information on the Sumida Watercress Farm including that for approximately 530 feet the proposed guideway would be adjacent to the watercress farm. What the report doesn't say is how close the guideway will be to the farm and what short and long-term impacts a noisy train roaring overhead would have on water and migratory birds who forage and inhabit the farm.
- The Technical Report states that "One major spring-fed wetland system in Kalauao (Sumida Watercress Farm) and an unutilized spring-fed wetland at Waiau" located

adjacent to the guideway structure "would not cause a direct impact to these wetlands, but shadows cast by the elevated structure may slightly affect water temperatures and affect watercress growth" because the guideway system is within the median of Kamehameha Highway. The Report goes on to say that, "These consequences are anticipated to be very slight to non-existent, based on the proposed guideway's distance from open water and watercress farming areas. Shade would only reach open water and watercress in the late afternoon." What is an "unutilized spring-fed wetland?" Where are the data and analysis of direct and indirect and cumulative impacts to the Sumida Watercress Farm from the daily shadow? Where is the data and analysis of direct, indirect and cumulative impacts to the underutilized spring-fed wetland at Waiau?

- The Technical Report mentions that the alignment would cross Moanalua Stream but doesn't provide any data on how the alignment will or will not temporarily or permanently impact the stream. Later in the Report it is noted that "Construction activities over Moanalua Stream may temporarily affect the availability of foraging sites for black-crowned night herons, but this species is highly adaptable to altered environments and would adapt to new structures built over the stream." Where is the data and analysis that identify the temporary and permanent impacts to the stream and evaluates impacts to the foraging site and direct and indirect impacts to the black-crowned night heron? Black-crowned night herons may be adaptable but they cannot afford to keep loosing their foraging grounds.
- It is unsatisfactory to state that, "Only some sites proposed for maintenance, storage, and other facilities provide this type of habitat, which would be disturbed and eliminated by the facilities required for the Project" without identifying the sites and providing data and analysis on the temporary and/or permanent direct, indirect and cumulative impacts from disturbing or eliminating these sites. The sites must be identified and information and analysis provided in the FEIS.
- The Technical Report states that the "The Project would not affect wetland sites such as spring-fed wetlands along the route because with few exceptions, the proposed corridor would use existing roadways." What are the "few exceptions" located and where is the data and analysis to back up this statement?
- It is unacceptable to state in the Technical Report that "There may be temporary disturbance of endangered and protected waterbirds when construction activities are in proximity to some of the spring-fed wetland sites, in particular the Sumida Watercress Farm (Kalauao Spring) and Waiau Spring. However, construction is anticipated to be no more than a minor distraction to these birds because they continue to inhabit these wetlands even though they are adjacent to highways that are heavily traveled by vehicles, trucks, and buses, and even though the general area has gradually become more densely developed." Where is the data and analysis to substantiate the claim that construction will only be "a minor distraction" and will cause no harm to the waterbirds or their habitat?
- The Technical Report notes that, "Streams that are over 150 feet wide may require in-water piers to support the guideway. These include Waimalu Stream (140 feet), Halawa Stream (225 feet), Moanalua Stream at Nimitz Highway (270 feet), and Ala Wai Canal (160 feet). An in-water supporting pier with a diameter of 6 to 10 feet maybe required to-span these streams." Why isn't data available on whether in-water

piers **will** be required for Waimalu Stream, Halawa Stream, Moanalua Stream and Ala Wai Canal? When will the data and analysis be available? Once again it is unacceptable for information to be missing from this environmental impact disclosure document.

- Is construction activity in the Ala Wai Canal associated with the first 26-miles of the fixed guideway system or with the Waikiki extension? What type of "Accommodations" will be made for paddlers in the Ala Way Canal during construction?
- And finally the Technical Report states that, "Because the Project would avoid all wetlands in the study corridor, no effects on wetlands are anticipated and no mitigation would be necessary." We guess that all that stuff about shadows over Sumida Watercress farm, possible alignment over or near Pu`o`hala Marsh or disturbing waterbirds "when construction activities are in proximity to some of the spring-fed wetland sites" doesn't mean anything.
- In summary, the DEIS lacks sufficient data and analysis needed to make informed evaluations on direct, indirect and cumulative short and long-term impacts from construction projects in or near streams, wetlands, and underground springs and not to mention the perpetual impacts once the fixed guideway is completed. Until data and analysis is provided, reviewed and incorporated into technical documents this DEIS should not be accepted.

Groundwater

- While the DEIS notes that drilled shafts will break through the basalt aquifer in several locations information on how severe the breaks will be or analysis of direct, indirect and cumulative impacts at each site on the aquifer is not provided. This information must be provided reviewed, evaluated, analyzed and incorporated into a technical document before this DEIS can be accepted.
- Has data been collected and analyzed for long and short-term and cumulative impacts on the aquifer from the proposed redirecting of current water runoff patterns at several locations along the alignment? If so, what does the data show?
- The DEIS notes that at each diversion site "There would be no long-term changes to groundwater levels, including artesian conditions, as a result of the fixed guideway system." What data and analysis supports that statement?
- The Technical report states that, "Runoff from the guideway would not likely contaminate groundwater." What data and analysis substantiates this statement?
- Interestingly in another section of the Technical Report it is stated that, "Groundwater encountered by excavations for pile caps that need to be removed is likely to be contaminated with petroleum products at several locations where excavations are required." This is where information and analysis would come in handy.
- The Technical Report acknowledges that "places along the Airport alignment where depths to groundwater would be approximately 10 feet below the surface" and for "the remainder of the First Project alignment, groundwater may be encountered at about 10 feet below the surface." So while it is known that Oahu's sole source aquifer will be breached a cumulative effects analysis has not been conducted. Until relevant quantitative information is provided and analyzed this DEIS cannot be accepted.
- The Technical Report states that, "Dewatering may be required where groundwater is at levels above the base of the pile caps" but there is no data or analysis of impacts of

dewatering at each site or how will dewatering impact the aquifer?

- Working over Oahu's sole source of drinking water for 26-miles is serious business and cannot be easily dismissed with comments like "No long-term impacts on the SOBA are anticipated." Until **all** short and long-term direct, indirect and cumulative impacts are known, evaluated, analyzed and incorporated into a technical document this DEIS should not be approved.

VIOLATION OF CHAPTER 6E, HAWAII REVISED STATUTES

The Draft Environmental Impact Statement ("DEIS") contains a copy of a letter dated January 10, 2008, from Donna Wong, Executive Director of Hawaii's Thousand Friends ("HTF"), to Wayne Yoshioka. DEIS, App. D, pp. 325-326. In that letter, HTF requested that, with regard to the compliance of the proposed Honolulu Mass Transit Project with the provisions of Chapter 6E, Hawaii Revised Statutes, "it be regarded as an "Interested person" as that term is defined in Section 13-275-2, Hawaii Administrative Rules (HAR) and be accorded all the rights of such persons under Chapter 6E, applicable administrative rules, and all other provisions of law." The letter then described the rights of "Interested persons" and the obligations of the City and County Department of Transportation Services under HAR Chapter 13-275. These provisions afford Interested persons, including HTF, various rights to be consulted during the historic preservation review process conducted by the Department of Land and Natural Resources, State Historic Preservation Division ("SHPD"), that in general parallel the rights of "consulted parties" under Section 106 of the National Historic Preservation Act ("NHPA"). Specific rights include the right to receive SHPD written comments on the proposal and to have HTF's comments on any submittal be considered by SHPD in its review of the Project. Furthermore, SHPD must publish notice of its determinations, and interested persons may appeal SHPD's determinations to the Hawaii Historic Places Review Board.

The DEIS shows that various entities were treated as "consulted parties" under the NHPA and, in September 2008, were sent "one (1) DVD copy of the documents that have been sent to the SHPD as part of our coordination under the National Environmental Policy Act of 1966, as amended and Section 106 of the National Historic Preservation Act. The DVD includes the Purpose and Need and Alternatives chapters of the Draft Environmental Impact Statement (EIS), along with electronic copies of the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports." See, e.g., Letter Dated September 29, 2008, from Wayne Y. Yoshioka to Ms. Elizabeth S. Merritt, Deputy General Counsel, Law Department, National Trust for Historic Preservation, DEIS App. D, p. 330.

HTF never received a response to its January 10, 2008, letter, and HTF never received the documents sent to "consulted parties" such as the National Trust for Historic Preservation. Accordingly, **HTF has been deprived of its legal rights as an interested person under Chapter 6E.**

The City and County of Honolulu is bound by Chapter 6E, and compliance with the consultation requirements of the NHPA (if such exists) does not obviate the need to comply with the

applicable provisions of Chapter 6E, including the granting to HTF of all of the rights of "interested persons."

A review of SHPD's webpage and its "on-line posting of current compliance reviews" shows that, as of February 4, 2009, no postings have been made since July 25, 2008. SHPD's "archive of past reports" shows no postings for determinations and reviews after 2005. **It thus appears that SHPD has failed to comply with its statutory duty to give public notice of its determinations. Because notice was never given, the 30-day clock for the deadline to appeal SHPD's determinations has not begun to run.**

HTF requests that it now be sent copies of the same documents made available to "consulted parties" (but NOT to HTF) in September 2008 (i.e., the DVD and copies of the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports) so that it may exercise its rights as an interested party under Chapter 6E. Because Chapter 6E and its rules allows HTF a period of 30 days to review documents submitted to SHPD for its review, HTF requests that it be afforded a period of 30 days from its receipt of such documentation to submit comments and, further, requests that the comment period for the DEIS be extended as necessary to allow HTF's comments to be incorporated into and addressed in the Final EIS.

PROBABLE VIOLATION OF SECTION 4(F) OF THE U.S. DEPARTMENTOF TRANSPORTATION ACT RE: KE'EHI LAGOON BEACH PARK

The DEIS, pp. 5-12 to 5-15, discusses the application of Section 4(f) of the Department of Transportation Act ("Section 4(f)") to Ke'ehi Lagoon Beach Park ("the Park"). The DEIS states that the project alignment for the Airport Alternative and the Airport & Salt Lake Alternative passes directly through the Park and will make direct use of 2.8 acres of this 72 acre park. It is clear from the map provided (Fig. 5-4) will have a significant effect on existing uses of the park and will permanently constrain future park use of the land occupied by the alignment, as well as of that portion of the park located to the north of the alignment.

The DEIS analyzes an alternative routing (illustrated in Fig. 5-5) that would reduce adverse impacts to the Park, while increasing impacts to nearby commercial properties. The FDEIS ultimately rejects this alternative, stating:

> To connect the Airport Station and Lagoon Drive Station, the guideway would pass over several additional commercial properties, resulting in at least nine additional full acquisitions and nine business displacements than the proposed alignment. Further, the Lagoon Drive Station would have to be doubl-stacked (one platform above the other), and the guideway would have to be double-stacked from approximately Peltier Avenue to Ahua Street, a distance of about 600 meters. This, and the right-of-way requirements, would result in an

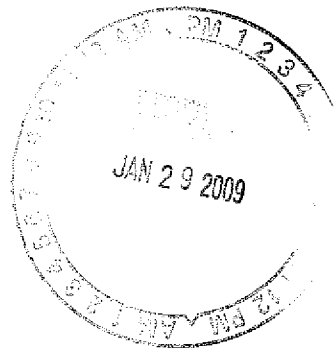
additional $75 million (2007 USD) in construction costs. For these reasons, this alternative is not considered prudent.

Under Section 4(f), use of parklands may not be authorized for the Project unless the FTA determines that "[t]here is no prudent and feasible alternative, as defined in Section 774.17, to the use of land from the4 property; and [t]he program or project includes all possible planning, as defined in Section 774.17, to minimize harm to the property resulting from such use." DEIS at 5-1.

The DEIS fails to justify its conclusion that no "reasonable and prudent" alternative exists to this use of park land. First of all, the explanation for the claimed necessity of "double-stacking" is wholly conclusory and fails to provide any reasoned explanation of why this method of construction could not be avoided. Furthermore, the DEIS fails to acknowledge that use of the **Salt Lake Alternative**, rather than the preferred **Airport** or **Airport and Salt Lake Alternatives** would appear to provide a "reasonable and prudent" alternative that would avoid any adverse impacts to the Park. **The FEIS should fully address these issues.**

Although this issue is not discussed in Chapter 5 of the DEIS, the DEIS contains a letter dated September 25, 2008, from Wayne Y. Yoshioka of the Department of Transportation, City and County of Honolulu, to Lester K. C. Chang, Director, Department of Parks and Recreation, in which Mr. Yoshioka advises Mr. Chang of "the U.S. Department of Transportation Federal Transit Administration's (FTA's) intent to render a Section 4(f) *de minimis* determination" with regard to the Project's proposed use of Ke'ehi Lagoon Beach Park and obtains Mr. Chang's acknowledgement of this determination. DEIS, Appendix D, at 318-321. **HTF asks that the FTA reconsider this determination and that all documentation setting forth FTA's determination and its justification be included in the FEIS.** Furthermore, the quoted letter contains no justification for this determination beyond the purely conclusory statement that "[t]he park's recreational features and attributes will be fully restored or replaced prior to project completion." **Chapter 5 of any FEIS should fully discuss and explain the justification for this determination, including an explanation of how the loss of 2.8 acres of park land can be regarded as a "*de minimis*" impact.**

Shirley Hasenyager
235 Kuuhoa Place
Kailua, HI 96734-2734
shirleyinhi@aol.com
(808) 262-5069



January 27, 2009

Mr. Wayne Yoshioka
Director, Dept. of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu HI 96813

Dear Mr. Yoshioka:

I have numerous concerns about the DEIS for the Honolulu City and County's proposed **heavy** rail transit system. A few of them are:

1. I do not feel the issue of property acquisition and adequate reimbursement has been fully addressed. What about loss of business during relocation and construction and decreased value already occurring due to anticipation of acquisition and/or lengthy disruption ?

2. The immense adverse visual impact to Honolulu has been minimized and not adequately described. We need to have good, easily understood descriptions of the many stations planned as they will impact a large area that includes schools, homes and businesses. The size of these stations needs to be explained in detail.....the footprint of the station, height and amount of land surrounding each one needed for parking, bus accommodation, etc. How are they to be protected from vandalism, graffiti, and criminal activity?

3. What happens when we have a power outage like the one during a recent storm. This is not something speculative. **This will happen**. How do you propose getting people off of the trains and out of the stations?

4. What accommodation is there for luggage (assuming an airport route) and other large items people will need to be able to carry on a train, either to a place of work or back to their cars after shopping.

There simply has not been an **honest** presentation of the impact of the proposed rail system on businesses and residences on the route, nor the disruption of traffic during a very lengthy construction period. What recourse does a resident of an apartment have when he finds he has a noisy train running in front of his lanai every few minutes, blocking his view, ruining his life and making his apartment worth zero? Is the city prepared to deal with the many law suits that are inevitable?

Yours truly,

Shirley Hasenyager

cc: Mr. Ted Matley
cc: Gov. Linda Lingle
cc: Honolulu City Council

Evelyn Arakaki, 91-030 Amio Street, ewa beach hi 96706

December 6, 2008

To Mr. Wayne Yoshioka concerning the DEIS for the rail system.

Dear Mr. Yoshioka,

I would like to have this comment made to the DEIS on the rail transit system. A reply would be appreciated.

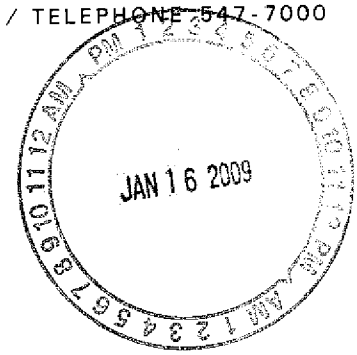
My comment: I have lived in Hawaii most of my life. We have a unique and beautiful sense of beauty many call it a Hawaiian sense of place. The visual image of an overhead train 30 feet over my head and which can be viewed from all over the south side of Oahu will be very ugly. The DEIS does not address this point that the train will be a visual blight and give a negative impression to our visitors. What will the city do and how much will it cost to make the train acceptable to the residents and contribute to the view instead of taking away our beauty?

Mahalo

Copy to: FTA Mr. Ted Matley

Gov. Linda Lingle

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000



January 14, 2009

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Subject: Honolulu High-Capacity Transit Corridor Project

Dear Mr. Matley:

I would like to take this time to thank you and the Federal Transit Administration (FTA) on behalf of the citizens of the City and County of Honolulu for your expertise and diligent oversight of the Honolulu High-Capacity Corridor Project (Rail Project). Your oversight of the development of our Rail Project will assure our citizens that they will be rewarded with a rapid transit system that is fiscally sound, and will meet the needs of the communities now ... and in the future ... without undue burden given the current economic times, and risks associated with the development of systems of this complexity.

I would also like to convey to you my complete support for a rapid transit system for the City and County of Honolulu that will meet the needs of our citizens ... being affordable, beneficial and with less financial risk associated with its development, construction and continued operations and maintenance.

In regards to my support, I have been intimately involved in the Rail Project since its inception with a keen interest in making sure that we follow through with meeting the aforementioned needs (tenets) of our citizens ... again, being affordable, beneficial and with mitigated financial risk.

In my review of the Draft Environmental Statement (DEIS), I have several concerns in our ability to meet these tenets and the resulting financial burden that will be placed on our taxpayers. I have voiced my concerns through various means including several editorials (see attachments A, B and C) for your review. And through this letter, I would like to personally bring these concerns to your attention in your oversight capacity. In the end, my concerns can be summarized as fiscal in assuring that the citizens are not burdened with an unaffordable rapid transit system. These concerns are as follows:

1. General Excise Tax (GET) levels are down and would be expected to decline further due to the current economic situation we are experiencing on a global basis. In particular:

- GET collection over the first 20 months was $246 million. If averaged over 15 years the total would be about $2.2 billion, which falls short of the overly-optimistic $4.1 billion in GET surcharge revenues estimated for in the Draft Environmental Impact Statement (DEIS)
- According to the Presidents Budget for FY2007, stated in the Annual Report of New Starts Proposed Allocation of Funds for Fiscal Year 2007, there are 21 other transportation projects ahead of Honolulu's Rail Transit Project that have applied for Full Funding Grant Agreements (FFGA)

A failure in adequate funding would leave a heavy financial burden on the citizens of the City and County of Honolulu which would only result in additional taxes either through extensions and/or increases in the GET; increase in property taxes; and additional costs incurred through the issuance of bonds to fund the development of the Rail Project.

2. The proposed change from the Salt Lake Boulevard alignment to the Airport alignment appears unjustified and impractical in terms of benefit and costs. For instance:

- Costs for the airport alignment are reported to add $220 million more to the total price of the Rail Project, with an additional $75 million to double-deck the platform and guideway at the Lagoon Drive Station. This is above the much more practical and affordable Salt Lake Boulevard route
- The 20-mile long Minimum Operable Segment (MOS) from East Kapolei to Ala Moana Center via Salt Lake Boulevard was approved by the Honolulu City Council in February 2007. Two days after the rail ballot initiative was approved in the November 2008 General Election, a move to switch the route from Salt Lake Boulevard to the airport was proposed, leaving a bitter taste in the mouths of those who voted for rail believing the line would run through Salt Lake Boulevard.
- The proposed airport rail station appears to be too far from the passenger terminal, making it difficult, if not impractical, for visitors to use—especially with no connection into Waikiki.
- The costs for operation and maintenance of the airport alignment over the Salt Lake Boulevard alignment would be higher and pose an additional burden to the taxpayers, especially if the first segment is built from East Kapolei to Waipahu.

The change to the Airport alignment from the Salt Lake Boulevard alignment for the near-term does not appear to be fiscally prudent, nor does it provide the benefit to the community and citizens.

3. The Draft EIS lists the airport alignment's daily ridership as 95,310, compared to a ridership of 87,570 by 2030 for Salt Lake Boulevard. The Salt Lake community questions this disparity, particularly since the DEIS does not explain how these numbers were determined.

I am submitting a copy of testimony from Ron Tober, chair of the technology selection panel *(see attachment D)*, in response to a series of questions during a recent committee meeting. Based on his comments and expertise, the Salt Lake community and myself further

researched both the airport and Salt Lake Boulevard alignments. Here are several of our findings that question the validity of the airport alignment's 95,310 ridership count:

- Independent research conducted by a member of the Salt Lake Neighborhood Board shows several apparent inconsistencies in the Draft EIS. *(see attachment E)*
- There are about 7 million annual visitors to Hawaii. Seventy-one percent of those passengers go through the Honolulu International Airport, with the remaining 29 percent going to the neighboring islands.
- Asian visitors total approximately 2 million per annum, with the majority being Japanese. They arrive early in the morning and take buses to the hotels as part of the tour package. Check-in times are usually mid- to late-afternoons.
- Of the 21 major cities that launched rail systems since the 1970's, only 7 were connected to the airport *(see attachment F)*. Most of the links to airports were built after the rail systems were launched. This is why the airport spur should be built later or concurrently with a spur into Waikiki.
- There are approximately 12,500 civilian employees with free base parking at Hickam and Pearl Harbor combined. Most military personnel either live on, or near, the bases....with very short commute times to their workplace.
- About 727 state and 15,000 private sector employees are at the airport. There are over 7,000 parking stalls at the airport, including the new 1,800 stall parking structure for employees and locals to use.
- Oahu has a population of approximately 900,000 residents, of which 60,000 – 70,000 residents currently live along a 4-mile stretch of Salt Lake Boulevard. These residents represent a solid ridership base and can generate more revenues and therefore less taxpayer subsidy for operation and maintenance costs.
- In comparison, when the Minimum Operable Segment (MOS) is completed and operational by 2018, the airport route's daily ridership estimate of 95,310 and transit-oriented development (TOD) opportunities will not be fully realized until 2030, as projected in the DEIS.
- The Salt Lake Boulevard alignment, with two proposed passenger stations, compared to four for the airport route, meets the Cost Effectiveness Index (CEI). A third station in Mapunapuna, with a 150 acres and one owner, would further increase Salt Lake Boulevard's CEI and ridership level *(see attachment G)*

In comparison, San Francisco International Airport (SFO) has over 34,000 workers, 6 million residents in Bay Area alone and approximately 16 million annual visitors, yet SFO has had difficulty in reaching projected daily ridership of 17,800 on the BART airport extension. Ridership levels are nowhere near what BART officials had hoped and the route is losing money.

The above concerns strictly address the need for fiscal accountability, especially in light of the current economic times we are experiencing....globally, and the impact that this will have on Hawaii's taxpayers. It is important that we take care of our citizens first in providing them the most affordable and beneficial rail transit system.

In view of the aforementioned statements and on behalf of the citizens of the City & County of Honolulu, I request that the FTA, given its oversight and responsibilities in the development of this rapid transit system, conduct a separate ridership analysis independent of the current ridership analysis to validate whether the Airport alignment or the Salt Lake Boulevard alignment should be preferred. Further, the community firmly believes that beginning the project in East Kapolei does not make sense since it will do little to relieve traffic gridlock. To ensure greater ridership and reduce traffic, the first segment should instead begin in Downtown and proceed towards Kapolei. Therefore, this analysis should also address the stationing and proposed sequencing of the work.

I would also request that the FTA look at the delivery approach proposed in segmenting the work, and consider the use of a "Master Contractor" with the experience and capability to undertake the responsibility in accepting in large part the risk associated with the integration of the rapid transit system components. And not allow the City and County of Honolulu and our taxpayers to deal with this risk.

On behalf of taxpayers who will be paying for this project, as well as the many others in the community who voted in favor of rail in the November 2008 election believing that it would pass along Salt Lake Boulevard, thank you for your consideration of the above requests I look forward to your favorable response to these requests so that our taxpayers can be assured that this project is proceeding in a fiscally-prudent and cost-effective manner

Please give this matter your immediate attention since it appears a resolution to change the alignment from Salt Lake Boulevard to the airport is pending before the City Council, which will make a final decision on January 28, 2009

Sincerely,

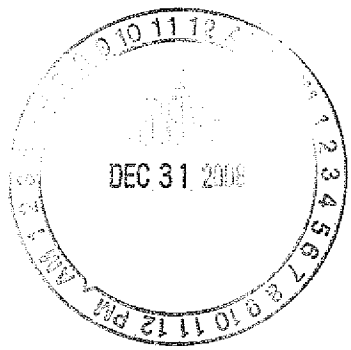
Romy M. Cachola

Romy M Cachola
Councilmember
District VII

cc: Wayne Yoshioka, Department of Transportation, City and County of Honolulu
Leslie Rogers, Regions Administrator, Region IX, Federal Transit Administration

attachments

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813



December 12, 2008

The Honorable Wayne Y. Yoshioka
Director, Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, HI 96813

Comments on Rail Draft Environmental Impact Statement

Dear Wayne,

We are writing to express our support for allowing bicycles and luggage on the Honolulu rail system. Making provision for bicycles and luggage on rail cars will increase ridership of the new system.

The draft EIS indicates (page 3-35) that accommodation for bicycles on rail cars is being contemplated during off-peak hours. We believe allowing bicycles on rail cars only during off-peak hours would be a mistake. As you know, integrating the various modes of transportation is essential to maximizing the benefits of rail. Prohibiting bicycles during rush hour would discourage the use of bicycles as a commuting vehicle. Some commuters may not wish to leave their bicycles at a station due to fears of theft. Others may need the bicycle to complete their commute once off the train. Either way, in a climate where bicycles can be ridden year-round, we should encourage their use not put up barriers to it.

With regard to luggage, whether the airport route or the Salt Lake route is ultimately chosen, we strongly support allowing luggage on the train including suitcases, backpacks, duffel bags and any other hand-carried containers. While there are important advantages to riding the train, there are disadvantages as well. One disadvantage is that a rider can only bring on what he/she can carry. Putting any further limit on luggage discourages ridership.

Some may argue that allowing suitcases poses a security risk, but a suitcase carried to the checkpoint of an airport poses just as great a threat. It could also be argued that a person weighted down with luggage will impede other passengers. While this is true to an extent, it is outweighed by the fact that every person who rides the train will alleviate traffic congestion.

Mahalo for considering our comments.

With warmest aloha,

Representative Karl Rhoads
District 28

Representative Karen Awana
District 44

Representative Joey Manahan
District 29

Representative Blake Oshiro
District 33

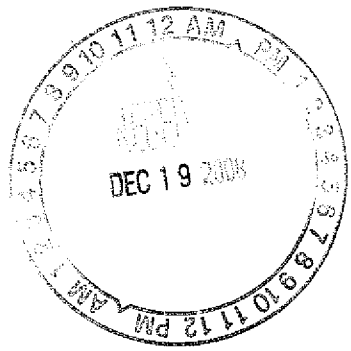
Representative Marilyn Lee
District 38

Representative Jon Karamatsu
District 41

cc: Mr. Ted Matley, Federal Transit Administration

RS/TM

U. S. General Services Administration
Public Buildings Service
PJKK Federal Building
300 Ala Moana Boulevard, Suite 1-336
Honolulu, Hawaii 96850
(808) 541-1950
Fax: (808) 541-3601



December 15, 2008

Wayne Yoshioka, Director
Department of Transportation
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

The purpose of this letter is to express our concerns over the proposed Honolulu High Capacity Transit Corridor Project.

The United States General Services Administration is the record owner of the Prince Jonah Kuhio Kalanianaole Federal Building and Courthouse located at 300 Ala Moana Boulevard ("PJKK Building"). We have never received any notice from the City and County of Honolulu Department of Transportation Services Rapid Transit Division (DOT) about this project. As such, we were surprised to learn that the proposed project entails the construction and operation of an elevated transit system along a narrow street directly abutting the PJKK Building on Halekawila Street. As a federal agency and property owner significantly impacted by the proposed project, DOT is required to invite us to participate in the scoping process which appears to have occurred in late Dec 2005 and January 2006. Nor have we received any of the multiple notices of intent issued for this project and the draft Environmental Impact Statement. See List of Draft EIS recipients attached to the Draft EIS.

We hope that this project has not proceeded so far that any possibility of our providing meaningful comment at this time has been eliminated. Our obvious concerns include noise, vibration, security and apparent site easement. We are hereby requesting an immediate meeting with DOT in order that we may be briefed as to the proposed project and its particular impact upon the PJKK Building. We would caution DOT not to proceed on the basis that that any property necessary for this project (including air rights) along Halekawila can be obtained through the eminent domain process since this process is not available against the United States.

We trust that DOT will immediately correct its notice procedures and now include us on the mailing list for this project and provide all documents prepared and invitations of public meetings for the proposed project to the United States of America. Please note that all information should be sent to the PJKK Building as follows:

Michael D. Larson, Property Manager
Public Buildings Service
US General Services Administration
Prince Kuhio Federal Building & US Courthouse
300 Ala Moana Blvd., Suite 1-336
Honolulu, HI 96850-4992
(808) 541-3632
michael.larson@gsa.gov

We look forward to hearing from you at your earliest convenience. Thank you.

Sincerely,

Michael D. Larson
Property Manager

cc: Carrie Okinaga, Corporation Counsel
Faith Miyamoto, Chief of Transportation Planning
Leslie T. Rogers, Regional Administrator